

# THE CLERGY REVIEW

FEBRUARY 1952  
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# The CLERGY REVIEW

NEW SERIES VOL. XXXVII No. 2 FEBRUARY 1952

## CATHOLIC BOARDING SCHOOLS AND CHRISTIAN EDUCATION

FATHER LAWSON in a recent number of THE CLERGY REVIEW<sup>1</sup> attacks the boarding-school principle. We are surprised that he is so confident about his statements, and slightly shocked at his selective use of a Papal Encyclical that is obviously meant to be an encouragement for schools (whether boarding or day); we wonder indeed at his implied conclusion that the thousand-year-old, ecclesiastically supported tradition of the boarding school is now discovered to be against the natural law. But we are not really "pained and embarrassed", as he feared we might be; for the Church has never needed to examine her conscience either on this or any other vital question that concerns the family.

Father Lawson is rightly impressed by the statement of Pius XI: "In order to obtain perfect education, it is of the utmost importance to see that all those conditions which surround the child during the period of his formation, in other words that the combination of circumstances, which we call environment, correspond to the end proposed. The first and necessary element in this environment, as regards education, is the family, and this precisely because so ordained by the Creator Himself. Accordingly, that education, as a rule, will be more effective and lasting which is received in a well-ordered and well-disciplined Christian family; and the more efficacious in proportion to the clear and constant good example set, first by the parents, and then by the other members of the household."<sup>2</sup>

This is his text: he finds that the boarding schools do not comply with the "first and necessary element" of educational environment and he classes them with other evils of the day such as "divorce, contraception, the invasion of its (the family's)

<sup>1</sup> November 1951, pp. 273-83.

<sup>2</sup> *Divini Illius Magistri*. C.T.S. (Old Translation), pp. 33-4.

rights by the State", which have helped to break up the family. Not that he is consistent: this system (though against the nature of the family), he says, has put the Catholics of this country "greatly in its debt"; he does not want boarding schools abolished because "we need all our schools and more", but he wants a new policy for education in conformity with the natural law; yet on his thesis, boarding schools ought to be closed.

Pius XI's *Divini Illius Magistri* (1929) was written against Communist and Fascist educators who claimed full rights over the bodies and minds of children. The Pope had not the remotest idea of condemning boarding schools, nor does he commend day schools. "It is," he writes, "for their benefit (the faithful's) that in the course of centuries the Church has created and conducted an immense number of schools and institutions for the teaching of every branch of knowledge."<sup>1</sup> "Long ago in the Middle Ages, when there were so many monasteries, convents, churches, collegiate churches, and lesser chapters, to each one of these was attached a scholastic hostel: a home for the instruction and education of pupils. Add to these all the Universities . . . This magnificent spectacle, more obvious to us today because it is displayed before our eyes and more splendid by reason of modern conditions, has none the less been the spectacle of every age."<sup>2</sup> These words he quotes from his own discourse to the pupils of Mondragone College on 14 May, 1929. Mondragone is a Jesuit school, and a boarding school at that! Here is the hard-hitting Pius XI, telling boarding-school pupils that "the magnificent spectacle (of Christian education through the ages) is more splendid by reason of modern conditions"!

Historically, the boarding school is part of universal Christian tradition from the earliest times. Benedictine monasteries, like St Gallen and Reichenau (300 boarders in the eleventh century), Irish monasteries, the Cluniac houses, Charlemagne's Palatine School, and the institutions mentioned by Pius XI, were followed by the great Jesuit foundations of the Counter-Reformation. Even the day schools set up by the Jesuits required more often than not that pupils should live in lodgings so that they might attend them. Universities were frequented by boys who would be going to modern public schools. The apprentice

<sup>1</sup> C.T.S. (New Translation), par. 28.

<sup>2</sup> Op. cit., par. 29.

left home at twelve or thirteen, the knight's son went to the castle of the lord to be a page.

It is impossible that this tradition should have been wrong from the beginning, and we have only to turn back to the passage quoted by Father Lawson to show that the text does not support the meaning that he gives to it. The Pope is trying to show that the family's right is God-given: "To the family in the natural order God directly communicates a share in fecundity, which is the principle of life and therefore also of education for life, and also a share in authority, which is the principle of order."<sup>1</sup> He quotes St Thomas: "The father is the principle of generation, education, and training, and of all that is concerned with the perfecting of human life."<sup>2</sup> The Pope then shows what he means by the environment of the family by quoting St Thomas again: "The son is by nature something of the father . . . and so the law of nature requires that until it reaches the use of reason the child should be under the father's care. It would therefore be against natural justice if before reaching the use of reason the child were removed from the parents' charge or if any disposition were made concerning it against the parents' will." "And since," continues the Pope, "the parents' obligation to exercise this care persists until the offspring is capable of looking after itself, it is evident that their inviolable right to educate their offspring continues until that time."<sup>3</sup> He then goes on to invoke the authority of Leo XIII: "Parents have by nature the right to instruct the children they have begotten. . . . They must energetically resist any invasion of their rights in this sphere, and absolutely insist on having it in their power to bring up their children in a Christian manner, in accordance with their duty."<sup>4</sup>

The natural sphere for the child is without doubt the family, but it is also evident that he must eventually leave it, and his very growth tends to break him by degrees from the complete dependence in which he starts. Until a child reaches the age of reason the "natural and necessary" environment "ordained by the Creator" for him is the home, and the Pope is attacking the Communist practice of removing children from their parents before this stage. For the rest, he is claiming the *right* of parents

<sup>1</sup> New Translation, par. 35.

<sup>2</sup> Ibid.

<sup>3</sup> Par. 37.

<sup>4</sup> Par. 40.

to educate their children. The end of Christian education, says the Pope, is to form the perfect Christian. It does not follow that the child should therefore stay at home until he reaches manhood. He must be taught to look after himself, to think for himself, and in many ways to provide for himself; in short he gradually passes into a stage of semi-independence as regards external needs, before reaching the final goal of manhood's complete independence.

"The family," says the Pope, "is not a perfect society; it does not possess all that is necessary for its complete development."<sup>1</sup> It is the school years that train the child progressively towards its independence, physical, intellectual and moral. Should a boy live at home and frequent a day-school? But how much family life does such a child in fact enjoy? He may travel for two or more hours in the day; he will have to do his homework when he arrives tired at the end of his journey. He will have no privacy in the small house in which he lives, no quiet amidst wireless, television, housework. His week-end is all that remains during term-time, and this is the only period his parents have for their own relaxation, when they can have the company to which they have a right and inclination without necessarily considering the desires of their children. Day-boys have to split their loyalties too much: parents enter with partiality into a judgement of happenings at school, enter as principals into every crisis, discuss the masters in front of the child, and reserve the right to take the boy away from out of school activities, or at least encourage them or discourage them according to their own convenience.

The boarding-school boy lives about a third of the year at home, sees his parents periodically during term, writes and receives letters from them, and is all the time aware of a special obligation towards them because of the sacrifices that are required to keep him at school. Far from being divided from his parents, he is never able to take them for granted. He lives during his holidays in an atmosphere of special responsibility, in which the parents are constantly aware of their child, watching him the more closely because they look for the changes that have taken place since his last holidays, while the child on his part

<sup>1</sup> Par. 51.

appreciates in a special way the joys of family life which have nothing of routine about them. He has been taught the value of family life at school, taught to clarify his relations with his parents, encouraged to take his father and mother into his confidence, while on one point that is vital he will have learnt a personal responsibility that is likely to transcend the views of his parents. I mean the value of religion in his daily life. The religious ethos of the Catholic boarding school presents an ideal that is usually above that of the average family, and school insistence on the Sacraments, the value of the Mass, the duty of associating every activity with the presence of God, is bound to have an effect for good, not only on the child who is thus tested every holiday, but also on the parents who may even learn something from the high ideals that the young soul has acquired. Father Lawson has managed to give the impression that the average Catholic home is all that can be desired, and he calls "exceptions" those in which the Christian ideal is weak. Would that it were so! Not even homes where the parents are of mixed religion are the exception, nor even the homes of those who are content to make their Easter duties and nothing more.

Before going further, let us list some of the assumptions that Father Lawson makes in his attack on the Catholic boarding schools, which he contrasts with "Christian education". We have considered his assumption that Pius XI condemns them. Here are some more:

That Catholic doctrine seems to require Catholics to examine seriously their policy about boarding schools (p. 274). That boarding schools are responsible for the break-up in family life (p. 274). That we justify the boarding schools on the ground that many families do not give a good example. That families fall below the Christian ideal because of boarding schools. That the presence of children in the home improves bad parents. That boarding schools justify their continued existence "for reasons of money and much more laudably because of their long and noble tradition". That the full development of sanctifying grace is put in danger "for the sake of social graces". And what does he mean when he says "that between the boarding school and the day school there is no longer a difference of kind

but only of degree"? It would take too long to examine each of these assumptions, but it may be pointed out that the arguments that Father Lawson puts out on behalf of the boarding school for the purpose of refuting them, are simply not those that the boarding school uses to justify its existence.

It is obvious that more day schools are required. The chapter on Secondary Education for boys in *The English Catholics 1850-1950* points out that the Special Committee set up by the Hierarchy showed that the number of boys in boarding schools and grammar schools in 1948 was 19,000, leaving some 5000 unaccounted for. In the day schools twelve per cent of the boys were non-Catholics. In the convents the proportion is probably forty per cent, though there are places in schools for all Catholic girls. According to the author of the chapter quoted (p. 335) the main defects of Catholic secondary schools are inadequacy and lack of diversity. Father Lawson seems obsessed by some sort of modern desire for "parity of esteem", and apparently would like less diversity, more system, and perhaps even directives to be given by the Hierarchy as to what parents should send which children to which type of school.

The development of a child from complete dependence to manhood corresponds with the traditional age at which boarding schools begin their mission. Parents at this stage combine with the school in the training of the child while "all those conditions which surround the child during the period of his formation correspond exactly to the end proposed". Regimentation is not the ideal or the practice of good boarding schools. A boy is taught how to live in an ordered community. He solves his "personal equation"; and this is the first need of the growing boy. He needs to test his relations with those who are not prejudiced in his favour by ties of blood; not merely to meet others casually and in the class-room, thereafter to escape to his home and parental sympathy, but to live with others all the day, and to learn the art of living with them decently. He needs the idea of rightful authority in the abstract, as well as in the concrete in the persons of his parents, who are normally tempted by affection to avoid training their children in hard things—and that not merely in the class-room, but in the wider complications of the details of every-day life. The child needs to be made

aware gradually of his obligations to society, to learn to give as well as take, and he needs to acquire the art of being responsible for others. The boarding school provides this atmosphere admirably; the day school does its best but, being mainly a teaching organization, it can do very little for children outside the hours of class. Religious duties are better taught at a boarding school where religion permeates the daily life. Voluntary Mass becomes a choice deliberately made, and the holidays provide the test of the boy's practice; a test that brings home to him his deficiencies or his progress.

The third stage of a boy's development takes place easily in the boarding school where he assumes responsibility in his group, whether it be in his clubs, societies, house, or school. He is trained for the purpose; his mistakes are easily remedied in an atmosphere of sympathy, and he has many more chances of trial and error than at a day school. The boarding school thus produces many vocations to the priesthood or to the religious life, and the Catholic use of Juniorates and Minor Seminaries confirms the view that segregation from the family for part of the year has nothing about it that could possibly be against the natural law. The purpose of controlled conduct is to train the will: the boy is as far as possible taken stage by stage to further essays in liberty until he is able at the end of his school career to enter the university, the professions, or any vocation that has formed in his mind and heart in the course of his school life. He likes his school: witness the Old Boys' Associations and the life-long devotion that they generate in their members. Boys feel that they have the roots of male friendship in the shared life of companions and masters, and these friendships are the most enduring. They meet girls during the holidays: they learn how to conduct themselves towards them, they seek the companionship of Catholic girls, and it certainly cannot be proved that their share of mixed marriages is as high as that of the day schools. On this point it is not out of place to suggest that all they miss is the modern craze for "dating" girls, now so common even among Catholic boys. They start with a reverence for women which helps them to be selective. They learn dancing at school so that they are able to take part in feminine society under the aegis of the home, while their athletic tastes help to

preserve them from the ineffective boredom that characterizes so much of the youth of today.

In fact, if there is anxiety about the corrosive effects of modern life, the boarding school is the place to send children. Here they are trained for modern life, but not by being submerged almost as soon as they can walk; they are taught the ancient virtues that the city despises, and they carry their heads high in the face of ridicule. For the boarding school produces leaders in war (compare the officer casualty lists of day schools and boarding schools), or in peace. It is a laudable ambition in parents to desire that their children should mix exclusively during their formative years with companions of a particular sort; and those who send their boys to boarding schools do not necessarily desire only "social graces"—desirable though good manners and good speech may be—they also wish to see them in the forefront of Catholic and civic life, and they are prepared to make sacrifices that are a bond between them and their children. In a society that is uniform they will take risks beyond the yearning for security, and, when all conspires to tell them that there ought to be no distinctions between the ordinary and the exceptional, they still aspire to something better for their children. Day schools have their function and place in the community for those who require them, or who cannot afford to send their children to a boarding school or who prefer to keep their children at home; and boarding schools, in the same Catholic and Christian tradition, have theirs as well.

"The historical origin of schools and seats of learning shows them to be by their very nature subsidiary and complementary to Church and family. It follows not only that these public institutions cannot be in conflict with either family or Church, but also that they ought as far as possible to work in harmony with both. All three—school, family, and Church—must constitute one temple of Christian education."<sup>1</sup>

C. R. LEETHAM, INST. CH.

<sup>1</sup> Pius XI, op. cit., par. 93.

## THE CHURCH IN CORNWALL

IT is sometimes asserted that the Cornish were the last to give up the faith and will be the last to return to it. There may be some truth in it. "Commotion time", as the Western Rebellion came to be called, certainly suggests that the Cornish did not take kindly to the Edwardian Book of Common Prayer when it was forced on them on Whit Sunday 1549. "We will not receive the new service because it is but a Christmas game. And so we Cornish, whereof certain of us understand no English, utterly refuse this new English." In passing, it is interesting to note that some authors consider that the English Prayer Book sounded the death-knell of Cornish, though the last one to use Cornish as her mother tongue, Dolly Pentreath, did not die till 1778. The vicious crushing of the Prayer Book Rebellion dealt a severe blow to Catholic fortunes in the county.

Under Mary Tudor the Cornish Catholics recovered position, though their triumph was shortlived and the later half of the sixteenth century saw the battle religious joined again, but with the Catholics on the losing side. Even so, a contemporary table of recusants shows that there were as many Catholics in Cornwall as in Devon, Dorset and Somerset put together. This lends some colour to the popular saying that Cornwall was the last to give up the faith.

It is significant, too, that in the first years of Douay the Cornish contingent was notably large. When the news of its first martyr was received in the college there were present two Cornish students just recently ordained, John Curry and John Tippett. Curry was a Bodmin boy, like Kestle and Cornelius, all of whom became Jesuits. Thomas Bluett, rector of Penkivel, and John Vivian, rector of St Just-in-Roseland, became alumni of the college during its sojourn in Rheims. David Kemp of St Minver and William Bawden and John Hamley of St Mabyn were among the goodly number who entered the college. The last-named, though eventually martyred, gave way under torture, making a full confession, which affords valuable information of his fellow Cornish Catholics and yet another proof of how tenaciously and heroically they clung to the faith of their fathers.

That this Catholic resistance in Cornwall gave some concern to the government may be judged by the appointment as sheriff, in November 1576, of Richard Grenville, "Grenville of the *Revenge*" as history knows him. With the increasing tension with Catholic Spain, Cornwall assumed an importance which for us at this distance of time is not easy to grasp, but which was fully realized by Walsingham's government. It chose the right man, for Grenville was no friend of Catholics. The insurgents of 1549 had laid siege to Trematon, the seat of his family. His personal enmity towards two of the leading Catholics in the county, Tregian and Arundell, had been aroused by their attitude to a commission on piracy in which he was not a little interested. And so the tracking down of Cuthbert Mayne in Tregian's manor at Golden, near Truro, was both a personal triumph for Grenville, for which Cardinal Allen asserts he was knighted, and a telling blow struck for the new religion. Francis Tregian, prosperous tin merchant and shipowner, was utterly ruined and died in exile. But not so large a number of Cornish Catholics as Grenville might have hoped were implicated. Only in one instance could the martyr be brought to name a home where he had stayed, that of Lanherne, where, to use his own words, "he did tarry often, sometimes a week or a fortnight together". He must have known that no grievous harm would come of his information, which was already known to the authorities.

The Arundells, owing to their high connexions, enjoyed a certain immunity and a great deal of forbearance, though the government spies watched their activities. Thus Lanherne, where, as tradition has it, the sanctuary lamp was never extinguished, served as the resort and rallying point of Cornish Catholics, with sometimes two or even three priests ministering to the twenty or thirty persons who on occasion would be gathered there. As the danger of the Spanish invasion drew near the leading Catholics in the county were rounded up, not altogether without some reason, when one recalls the Spanish sack of Penzance and Newlyn. Sir John Arundell was committed to the care of the Dean of St Paul's and later was one of the prisoners at Ely.

An agent of Burghley's travelling in the county in 1591

reported that he had found some twenty-four recusants. And in the return of Catholics furnished for the government in 1653 are found the names of twenty, resident in Launceston and district alone. The treasury, hard pressed for money, must have been thankful for the long list of Cornish recusants. Certainly these Cornish did not readily give up the faith. But as the century progressed the persecution and then the penal laws, with their grinding financial pressure, thinned out the Catholic families and the number of students they could send abroad. The long entry in the Memoranda Roll of 1639 of those who had conformed makes sad reading. Even so we hear a faint but significant echo of the stir caused by Titus Oates, even in the far west, in the entry in the St Ives accounts for 1679, "Pd two men to go to Penzance and Penryn to discover a Jesuit, 5s."

But by the beginning of the eighteenth century the tenuous line of Cornish Catholics had practically come to an end and save for the Arundells and a few of their tenants and dependents the continuity of Catholicism in the county was broken. In the official register of non-jurors, compiled after "the '45", the Catholics in Cornwall number under twenty. According to Foley, Fr O'Neil, S.J., was sent by his superiors "to cultivate" the Cornish Mission. At Torfrey, Golant, the home of the Couche family, Fr Haymen died, aged 87, on 30 April, 1756. On the other side of the county, at Lanherne, Fr Boniface Wall was ministering to the faithful remnant. At the turn of the century, however, a Catholic priest was such a rarity that John Wesley, preaching at St Just, was mistaken for a "Romish priest" by a Catholic, who when she found her mistake "did scream and scold and spit and stamp and wring her hands". Wesley's astonishing success with the Cornish is taken by some as an indication that the Establishment never took deep root among them; others have thought that, had a Cornish St Vincent Ferrer or St Francis de Sales appeared at this time, Cornwall would have been saved for the Church. But this is only one of the many "ifs" of history and perhaps does not take sufficient cognizance of Protestant feeling in the county as evinced by the popular ditty, "And shall Trelawny die? There's thirty thousand Cornishmen shall know the reason why". What is certain is that Wesley, with the help of Billy Bray, made the Cornish

"go Chapel" and that by the beginning of the nineteenth century there were scarcely fifty Catholics left in the whole county.

Now there are thirty-five churches and chapels and some four thousand faithful. These figures compare favourably with other parts of rural England and appear to discredit the truth of the saying that Cornwall will be the last to return to the faith. Indeed, when we bear in mind the county's remoteness (it used to be said that for every hundred miles west of London you must take off a hundred years) they speak eloquently of the efforts made for its conversion. In this task help came from factors common to the whole country. In 1794 the French Revolution occasioned the return of nuns after an absence of over two centuries, the eighth Lord Arundell making over Lanherne to the Carmelites driven from Antwerp. Also we find an *émigré* succeeding the infirm Fr Casemore, O.F.M., whom Bishop Sharrock had stationed at Falmouth in 1805, and with the help of the royal family of France building a large chapel there in 1821.

Another factor was the Irish "famine" immigration. Hawker of Morwenstow felt urged in 1831 to deliver a sermon in Stratton church on behalf of the stricken Irish Catholics. Moved by the spiritual plight of his fellow countrymen, Fr William Young, whom Oliver justly calls "the Apostle of Cornwall", came over from Dublin to minister to them. Such was his zeal that within a year of his stay at Lanherne he had received over a hundred into the Church. His care for the immigrants took him to Penzance, where already attempts had been made to found a mission. He was more successful; in July 1840 he opened a spacious church and, in the absence of a Ministry of Education, housed a school beneath it. From Penzance he moved up county to Bodmin, where again he built a church, "in early English Gothic", to quote *The Tablet* for 11 July, 1846. Bishop Ullathorne, fresh to the Western Vicariate, preached both on the day of the opening and on the Sunday following "to vast crowds, who came to witness the ceremony". Certainly nothing like it had been seen for three centuries, but one wonders who the "vast crowds" were. They could scarcely have been Cornish Catholics, for twenty years later we read, "near the Lunatic

Asylum stands a Roman Catholic Chapel but services have ceased to be performed there".

Undoubtedly at this period hopes ran high, and there was perhaps a little wishful thinking if we may judge by the report that there were a thousand Catholics at Camborne when the church was opened there by Bishop Vaughan. A few years earlier, whilst the county was still in a ferment over "Papal Aggression", the number was given as 250, and Mass was said for them in a hired room by a priest from Penzance. In the east of the county the Mass had already returned and, of all places, to Trelawny, whose squire, Sir Henry, had been received and, in his old age, ordained priest. But by 1860 it had ceased to be said there and instead a regular mission had been instituted at Sclerder, under the care of the Franciscans, which later, like Bodmin, became dependent upon priests from elsewhere. Two years later a church was built at Liskeard. And thus gradually and haltingly the faith came back to Cornwall. The work must have been hard and the sacrifices great, and of these pioneers, "men of little showing" but of great faith, the words of the psalmist are true enough: "going they went, weeping, casting their seeds".

In the latter part of the century two other circumstances, in no wise connected, the holiday industry and the return of the Canons Regular, had a definite influence in bringing back the Church to Cornwall. In its inscrutable ways Divine Providence decreed that the canons, driven from Bodmin, "the abode of monks", at the Dissolution in 1537, should return in 1881, when members of the Lateran Congregation, exiled from France, took up residence in the old presbytery of Fr Young. Ten years later they were given charge of the mission at Truro, where Fr John Granger had built a church dedicated to St Piran, the patron of tinnery. It was from Truro that the Bodmin fathers founded the missions at St Ives and Newquay. A Franciscan used to say Mass for the fishermen in the little half-ruined chapel on the quay at St Ives, about the end of the previous century, but for a long time there were no facilities there until the present mission was founded in 1902. At Newquay, so named after the pier built from the bequest of Sir Edward Arundell in 1586, a church was built on a site close to the headland, in 1903. From Truro

yet a third mission was started much later on, at Perranporth. After the First World War the canons were entrusted with the beautiful church which Fr Charles Langdon, a convert, had built at Launceston in 1911. Fr McElroy, C.R.L., added the Martyr's shrine and also instituted, in honour of Bl. Cuthbert Mayne, an annual pilgrimage which has since become a feature of Cornish Catholic life. He also commenced the mission at Bude. From Bodmin Priory itself some six or more Mass centres have been set up and maintained over many years. But it is true to say, I think, that it has contributed much more than can be conveyed in the dry chronicle of dates and figures: in the hard and barren mission field, which is Cornwall, it has persevered, at much hardship and cost, as the "hospitium" for Catholics in Cornwall, clerical and lay alike.

But, beyond Bodmin's contribution, there has been a general progress towards Cornwall's conversion which has owed a great deal to the holiday industry. Among the vast numbers of summer visitors, who come every year to the Duchy, there are many Catholics, for whom great efforts are made to offer them the facilities of Sunday Mass and who in their turn, by their generosity, contribute much to the establishment and maintenance of the various chapels and centres. Indeed without their presence and help there is a great deal that could not have been achieved. To this might well be added the influence of the service camps and "evacuees" during the recent war. At the same time it is well to record that the growth springing from these factors is somewhat artificial and unfortunately not indigenous. The overcrowded church of a "season" Sunday is no true reflection of the mission's normal population, which in many cases is not much beyond a hundred, with the children of all sizes and ages numbering little more than twenty. The church that is packed in August has but a handful in December, so that visiting clergy have but little idea of what conditions are really like during the rest of the year.

If, then, the "school-consciousness" shown in the more thickly populated dioceses appears to be lacking in Cornwall it is not for any want of zeal; it is simply because the children are not there to make Catholic schools a feasible proposition. Not that there are no Catholic schools in the county; there are four,

and to these can be added a number of high schools for girls run by Sisters, which have helped much to break down prejudice. The county also boasts a Catholic orphanage and a Catholic hospital, which are considerable assets to the Catholic community. But the lack of adequate educational facilities must be considered a real handicap and the need of a grammar school for boys within the county is very great. In this respect perhaps the Catholics of the persecution era were more fortunate, for we read in the confession of the Ven. John Hamley that he was brought up from infancy "at divers schools in Cornwall, learning the Latin tongue".

What of the future of the Church in Cornwall? There used to be a saying that within three centuries of the Reformation the county would be all Catholic or "all nothing". History records few heresies that have outlived such a span and it may well be that the century that lies ahead will decide one way or the other. Thus the Church in Cornwall must have a future and whether it be worthy of the past depends, under God, much upon ourselves. We may not rest content with Catholic holiday-makers and the like, for even of our saints who crossed the Devon border St Budeaux alone retained a foothold. Every effort must be made, by one means and another, to augment the hard and faithful core of Cornish converts. Only thus will the Cornish realize that the Church is not a "foreigner" but of their soil, which throughout its length and breadth still affords striking evidence, as perhaps no other county does, of its glorious Catholic past. They must have back "their Mass in Latin and not this new English", as they said long ago. Their Celtic character and spirit cry out for something more supernatural than a ranting lay spoken word. Only in "the boat that is Peter's" will they reach a harbour of refuge from the sea of materialism which now threatens to engulf them.

There is another aspect of the future—mundane but important. Progress and development require finance. Every year the Church in Cornwall receives much help from the Guild of Ransom Church Extension Fund. We are beginning to witness in several dioceses a pooling of resources to meet the enormous cost of "our" schools. They are called "ours" because they are for the common good. Shall we witness a like development in

aid of the Church in rural England? After all, the Church is "ours". But perhaps this is an idle dream.

"By Tre, Pol and Pen ye shall know the Cornish name." Would there were more such among us, who perhaps might more effectively draw back their fellow countrymen to the faith filched from them by "foreigners from beyond the Tamar". Failing this, and following the grand principle of becoming all things to all men, may those who labour for the conversion of Cornwall "bynytha Kernewek".

A. WHITEHEAD, C.R.L.

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#### AN ELIZABETHAN MARTYR'S RITUAL

SOME years ago Canon Mahoney discussed in *THE CLERGY REVIEW* a ritual according to the Sarum use, printed at Douay in 1610 and intended for the use of priests on the English mission.<sup>1</sup> A manuscript manual or ritual in the handwriting of the martyr Blessed Christopher Buxton (executed at Oaten hill, Canterbury, 1588) is preserved at the Catholic church at Olney in Bucks. The book plate shows that it belonged to Sir Robert Throckmorton (1702-91). This ritual is not unlike the one described by Canon Mahoney and has the further interest of being not only earlier in date but also a relic of one of our martyrs.

The book measures about six by four inches, is written in an upright hand, rubrics in red, and there are four margins to a page. A contemporary note at the top of page 8r., where the text begins, gives the origin of the MS. as follows: "Manuale hoc scriptum est a Reverendo Domino Christophero Buxton Presbitero Anglo manu propria et missum amico suo R. C. presbitero vltimum in hoc seculo amicitiae suae erga illum pignus anno Domini 1588 pridie quam abductus esset a carcere vulgo Marshalsey prope Londinum ut martirium subiret in Cantia."

<sup>1</sup> *THE CLERGY REVIEW*, 1939, XVI, pp. 125-30: "A Ritual in Penal Times."

We cannot identify the priest friend, R. C., to whom Blessed Christopher Buxton gave the book before leaving prison. The martyr was born at Tideswell in Derbyshire, where at the local grammar school he was a pupil of another martyr, the Venerable Nicholas Garlick, who predeceased him by two months. After studying at Rheims and at the English College, Rome, he was ordained in 1586. From the circumstance of the execution taking place at Canterbury, Buxton must have been apprehended in Kent, and shortly after his arrival in this country.

The manual begins with baptism of infants, though the heading of the section is *Ordo ad faciendum catechumenum*. The first rubric states that, if the child has already been baptized at home through danger of death, the ceremonies must be supplied later, with the exception of immersion, i.e. the baptism itself. This indicates that immersion was then the usual custom. The rite begins immediately with the signing of the forehead and breast of the child, there being no preliminary questions, "Quid petis?", etc. The prayer recited by the priest during the signing of forehead and breast is different from ours. For the rest, however, till after the prayer concluding the salt ceremony, the rite is the same.

The exorcisms are different. There are four separate adjurations for each sex. The "Exorcizo te, immunde spiritus" is pronounced over a male child only; over females one is recited which refers to Susanna's vindication. Other adjurations commemorate the cure of the man born blind and the raising of Lazarus from the dead.

Before the *aperitio aurium* the brief passage from St Matthew's gospel about the presentation of little children to our Lord is read. The priest is directed to spit into his left hand. After this ceremony—not before—*Pater, Ave, and Credo* are recited. The child is then signed on the right hand, blessed and carried into the church. The martyr warns the minister not to let the baptismal water touch anyone save the person baptized since, whether it contains chrism or not, it is not "aqua aspersoris . . . sed baptismatis et purgationis". There being no bishops in England during that time, chrism must have been difficult to obtain.

There follows a charge in English to the godparents to ensure  
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that the child is taught *Pater*, *Ave* and *Creed*. It concludes by reminding them: "and y<sup>t</sup> you wash your hands ere ye depart hence". The charge is not divided into two parts, as in the Douay ritual; nor is there reference to confirmation, presumably because when Blessed Christopher Buxton wrote England was still ruled by archpriests.

The litany of the saints which follows no longer figures in our baptismal rite. Its form differs, too, from that which we use today. Once the beaten track of the apostles is left behind the following names occur: The Holy Innocents, SS Stephen, Linus, Cletus, Clement, Fabian, Sebastian, Cosmas, Damian, Primus, Felician, Denis and companions, Victor and companions, all holy martyrs; SS Silvester, Leo, Jerome, Augustine, Isidore, Julian, Gildard, Medard, Albinus, Eusebius, Swithun, Birinus, all holy confessors, all holy monks and hermits; SS Mary Magdalen, Mary of Egypt, Margaret, Scholastica, Petronilla, Geneviève, Praxedes, Sother, Prisca, Thecla, Affra, Edith, all holy virgins, all saints. The only two English saints mentioned, St Swithun of Winchester and St Birinus of Dorchester, belong to the west country. Those that may not be familiar and can easily be identified comprise: St Gildard [or Godard], who was honoured at Rouen, St Medard (Soissons), St Albinus (Angers), Petronilla (Rome), Sother (a virgin saint, not the pope), Affra (Augsburg).

The litany concluded, the priest proceeds to the blessing of the font, *quae semper dicatur sine cantu nisi tantum in vigilia Paschae et Pentecostes, tunc enim cantata secunda letania incipiat sacerdos*, etc. After this ceremony, which is like that of Holy Saturday and the vigil of Whitsun, the interrogations and the baptismal vows take place, after which the minister receives the child in his hands and holding him by the sides baptizes him by triple immersion. The first time the infant's face is turned towards the north and his head towards the east, the second time his face is turned towards the south; the third time the face is turned towards the water.

The anointing with chrism, the ceremony of the baptismal robe and the lighted candle conform to the *ordo administrandi* we now use. After this the English charge to the sponsors, to keep the child from fire and water until the age of seven, and

teach him the Our Father, Hail Mary, and Creed is repeated. The rite terminates with the optional reading of the gospel of the cure of the dumb boy—"secundum doctores" a safeguard against epilepsy—and, finally, with the prologue to the gospel of St John. Three pages follow concerning the importance of explaining to parishioners how to baptize in emergency and also of the supplying of the ceremonies if the child recovers. In case of doubt the priest must rebaptize conditionally. The form, more explicit than ours, is that described by Canon Mahoney.<sup>1</sup>

The churcning of women is entitled *Ordo ad purificandum post partum*. The mother stands before the church door. Psalms 120 and 127 are recited, then responses very similar to those in our own ritual but with a different concluding prayer. Not till these are ended is the woman led into the church, after having first been sprinkled with holy water. While the introduction into the church takes place the priest says: "Ingredere in templum Dei ut habeas vitam aeternam et vivas in saecula saeculorum, Amen."

The visitation of the sick comes next. The priest begins with the salutation "Pax huic domui", etc., as now, adding, however, "Pax ingredientibus et egredientibus". The crucifix is then set up before the sick man and he is aspersed. Those versicles and responses which in the modern Roman ritual come *after* the anointings instead of before are forthwith recited. They are followed by nine prayers, one of which alludes to the raising of Tabitha by St Peter, another to the cure of Peter's mother-in-law, of the centurion's servant, of Tobias and Sarah, and a third to the recovery of King Ezechias. A fourth (with the exception of the word "laborantem" for "fatiscentem") is identical with a prayer yet in use. The priest, after he has given a preliminary exhortation, is recommended (*valde expediens est*) to explain the articles of faith. The Blessed Trinity is divided under seven headings around which other doctrines are grouped, and the Incarnation is similarly arranged. For a "simpliciter literatus" a more general exposition is suggested. The sick man affirms his belief in the articles proposed. The priest, having thus sufficiently strengthened his faith, now exhorts him to hope and charity; and then proceeds to stress the necessity of a clear

<sup>1</sup> Loc. cit., p. 127.

conscience and a good confession, which he forthwith hears. No penance is imposed, but the penitent is told what penance he would have incurred if he had been in health. He is urged, moreover, to instruct executors or friends to give alms in lieu of the same penance in the event of his decease. The alms is now assigned. If the patient recovers he must perform the penance (or else confess again) and he is also reminded that all his former indulgences and good works, in union with the suffrages of the Church and the merits of the just, contribute to his salvation and welfare.

The *Misereatur* is said. It differs somewhat from ours and we therefore print it in full: "Misereatur tui Omnipotens Deus et dimittat tibi omnia peccata tua, liberet te ab omni malo, conservet et confirmet in bono, et ad vitam perducat aeternam. Amen." Absolution is then given as follows: "Dominus Noster Jhesus Christus pro sua magna pietate te absolvat, et ego auctoritate eiusdem Domini Nostri Jhesu Christi et beatorum apostolorum Petri et Pauli et auctoritate mihi tributa absolvote ab omnibus peccatis tuis de quibus corde contritus et ore mihi [es] confessus, et ab omnibus aliis peccatis de quibus si tuae occurserent memoriae libenter confiteri velles, et sacramentis ecclesiae te restituo. In nomine Patris et Filii et Spiritus Sancti. Amen."

This is followed by a prayer, a blessing, kissing of the crucifix, two more prayers, and a further absolution: "Absolvimus te, N., vice Beati Petri apóstolorum principis, cui Dominus potestatem ligandi atque solvendi dedit, et quantum ad te pertinet accusatio et ad nos remissio. Sit tibi Omnipotens Deus vita et salus et omnium peccatorum tuorum pius indultor. Qui vivit et regnat cum Deo Patre in unitate Spiritus Sancti Deus," etc. The priest now proceeds to the anointings. Psalm 70 is first recited. The prayer which follows is the same down to the words "remittentur ei", as that which in our ritual comes after the anointings. These are seven in all. In further preparation for them is recited Psalm 12, and between each of them Psalms 29, 42, 53, 69, 98, and 87 respectively. The feet and loins (*in dorso super lumbos maris vel super umbilicum mulieris*) come last. The formula for the latter is: "Per istam unctionem et suam piissimam misericordiam indulgeat tibi Dominus quidquid peccasti

per illicitas cogitationes et per ardorem libidinis. Amen." After he has finished, the priest washes his hands in salt and water in a vessel in which also the "stupa olei" are placed. The contents are to be burned and buried in the cemetery. The *Lanalet Pontifical*, which belonged to Lyfing, Bishop of Crediton in the first half of the eleventh century, contains as many as nine anointings.

A further blessing, the 140th Psalm, and a prayer of some length follow, after which the priest is advised (*expediens erit*) to ask the sick man whether he has more sins to confess, and whether he believes in the Real Presence, to which he replies, "Credo". If the patient is unable to communicate through vomiting or other physical cause the priest says: "Frater, in hoc casu sufficit tibi vera fides et bona voluntas. Tantum crede et manducasti." The communion formula has "corpus tuum et" before "animam tuam". The prayer after communion of the sick is also the same as ours, save for the ending, which is "tam corporis quam animae sit salus. Amen". Psalm 145, a prayer, a blessing (a choice of three) follow. In addition, Psalms 50 and 53 and short ejaculations are recommended for recital to the sick man if "in extremis". The seven penitential Psalms and the chapter, "Parce, Domine, parce famulo tuo, quem redimere dignatus es pretioso sanguine tuo, ne in aeternum irascaris ei" come next. The last is thrice repeated, the priest commencing and concluding, the company taking it up the second time. For the order of the commendation of a departing soul the martyr refers to the end of the Roman breviary.

The marriage ceremonies (here called "sponsalia") may be thus summarized:

(i) Introductory rubrics concerning closed times, which were from Advent to the Epiphany Octave (exclusive), from Septuagesima to the Easter Octave (inclusive), and from the Sunday before Ascension till the Whitsun Octave (exclusive).

(ii) A brief announcement to the congregation follows, explaining why they are gathered together; and they are exhorted to disclose impediments, if not yet revealed.

(iii) The question addressed to bridegroom and bride is longer than at the present day: "Vis habere hanc mulierem in sponsam tuam et eam diligere, honorare, tenere et custodire

sanam et infirmam sicut sponsus debet sponsam, et omnes alias propter eam dimittere et illi soli adhaerere quamdiu vita utriusque utcum [?] duraverit?" The bride in addition is asked "et obedire et servire et eum diligere et honorare et custodire sanum et infirmum", etc. She does not, however, kiss the bridegroom's feet in token of submission, a ceremony which was once part of the Sarum use.

After the bride is given away the plighting of troth takes place. A variation from the modern form is the addition of "till death us depart" at the end; and, in the case of the bride, of the promise "to be boner and buxom in bed and at board till death us depart". "Boner" or "bonnair" is the same word as "debonnair". The meaning is further discussed by Mahoney and is the subject of an explanatory footnote in the Douay ritual.

(iv) The bridegroom produces gold, silver, and ring. The present "Ego te coniungo" is replaced by the blessing, "Benedicti sitis a Domino qui fecit mundum ex nihilo. Amen," which is more appropriate to the priest's non-ministerial rôle.

(v) The pair are now admitted into the church. Various prayers are recited and also Psalm 127. Bride and bridegroom prostrate before the altar steps.

(vi) Prayers are requested for them. Six blessings follow. The first, "Benedicat vos Dominus ex Syon" is retained in the blessing now recited by apostolic indult outside mass, *quando benedictio nuptialis non permittitur*. The second slightly resembles the prayer recited before the end of a nuptial mass. The third is substantially the same as the blessing provided in the Roman ritual, *quando missa non dicitur*. The fourth again incorporates features of the blessing before the end of a nuptial mass.

(vii) The mass now begins, bride and bridegroom kneeling in the sanctuary. After the *Pater Noster* the first two prayers are as in the Roman ritual: the martyr refers to it instead of copying them out. He next inserts a rubric *Hic incipit benedictio sacramentalis*. The blessing runs: "Deus qui tam excellenti mysterio coniugalem copulam consecrasti ut Christi et ecclesiae sacramentum praesignares in foedere nuptiali." He breaks off abruptly at this point, adding *Hic finitur benedictio*.

No mention is made of the spreading of the cere cloth over the prostrate bride and bridegroom by four clerics from the

*Sanctus* to the *Pater Noster* as in the Douay ritual and Sarum use.

(viii) There follows a rubric to the effect that no nuptial blessing is permitted in the event of a second marriage, unless a virgin marries a widower.

(ix) After the *Agnus Dei* the minister gives the kiss of peace to the bridegroom and then to the deacon. The bridegroom gives the kiss to the bride.

(x) After mass bread and wine, "vel aliud quid potabile", in a vessel are blessed. The bridal pair taste while the priest pronounces this prayer: "Benedic, Domine, panem istum et hunc potum et hoc vasculum, sicut benedixisti quinque panes in deserto et sex hydrias in Cana Galileae ut sint sani et sobrii et immaculati omnes gustantes ex eis, Salvator mundi, Qui, vivis et regnas," etc.

(xi) The same night the priest blesses the bridal chamber, the bed, and the bridal pair in the bed, also aspersing them. The blessing of the bridal chamber is similar to, but shorter than, that contained in the Roman ritual.

At page 46 commences the burial service. The priest recites the *Kyrie* and asks prayers for the deceased. Versicles, responses, and a prayer follow. The corpse is carried to the cemetery to the accompaniment of the *In paradisum*, Psalm 113, and, if time allows, Psalm 24. *In paradisum* is repeated, two prayers are recited in a low voice, and the grave is opened. During the opening of the grave Psalm 117 is said, followed by two prayers. It is then blessed. Two blessings are provided, one of greater length is an alternative, which refers to the double cave or burial place of the three patriarchs. Then holy water and incense. While the corpse is lowered the cantors intone Psalm 81. As the grave is closed the priest pronounces an absolution "super pectus defuncti". Again the grave is sprinkled and incensed while Psalm 131 is intoned. After two further prayers the executor places the "officii terram", as it is described, over the body in form of a cross, and also sprinkles and incenses it. To the recital of Psalm 138 the corpse is covered entirely. Then follow three prayers, Psalm 148, another prayer, and the *Benedictus*. The priest next requests those present to intercede for the soul of the departed. Certain versicles and prayers, including

one of some length beginning "Deus origo pietatis", are recited. These are succeeded by Psalm 50, more versicles and responses, with a concluding prayer. While returning from the cemetery the clergy say the seven penitential psalms or the *De Profundis*. After more versicles and responses (the "Credo videre bona Domini in terra viventium" occurs frequently) the priest recites another prayer and concludes in a low voice with "Anima eius", etc., as today.

The blessing of water and the *Asperges* and *Vidi aquam* which follow are taken like our own ceremony from the Roman ritual, as also is the blessing of bread. The blessing of incense (no longer used) comprises the following prayer: "Domine, Deus omnipotens, cui astat exercitus angelorum cum tremore, quorum servitium spirituale et igneum esse [?] cognoscitur, dignare respicere, benedicere, et sanctificare hanc creaturam incensi, ut omnes languores cunctaque insidia inimici odorem eius sentientes effugiant, et separantur a plasmate tuo quos pretioso sanguine redemisti, ut nunquam laedantur a morsu antiqui serpantis. Per Dominum," etc.

The next section contains various notes about the sacrament of baptism, entitled "casus pertinentes ad baptismum". The martyr observes:

(1) that according to the opinions of certain women spirits steal their baby boys and replace them by others. Such changelings should be, he considers, baptized under the double condition of "si non es baptizatus" and "si sis capax baptismi". The martyr is careful to say of this belief "secundum narrationem mulierum sive dicant verum sive non".

(2) The priest who uses last year's chrism should be deposed.

(3) Though it is lawful to anoint the christening robe as well as the child with chrism, according to ecclesiastical custom the robe should be reserved for the use of the church.

(4) To be baptized knowingly and without necessity by one who is cut off ("praescisus") from the Church is a mortal sin.

(5) By the exorcisms grace is not conferred but the impediment to it is removed.

(6) In case of danger a child may be christened with warm water; or sprinkled, in which connexion the martyr cites Scotus.

(7) Though it is common custom for the infant to be immersed, a priest who in case of necessity substitutes infusion or aspersion does not sin.

(8) The adjuration of the evil spirit to go out should normally precede the baptism, except in necessity.

(9) The minister of baptism ought to have a double intention (*a*) general, of doing what the Church does, (*b*) special, that the one baptized be cleansed. Without the first, at least, the sacrament would not be received (St Thomas).

(10) A merely habitual intention as in sleep is not enough, because it is not a human act.

(11) An actual intention, which a man cannot have if he is distracted, is not always required. A virtual intention is sufficient and lies midway between a habitual and actual one. The virtual springs from an actual intention as from a root and is adequate, provided no will to the contrary has intervened.

(12) The form of baptism may be vitiated in seven ways: by addition, subtraction, interpolation, substitution of words, change, corruption, transposition.

(13) As to whether a triple or single immersion should be observed, adopt the prevailing custom of the Church. Where triple immersion is customary, it is a grave sin to immerse once only. The sacrament is not, however, thereby invalidated. The triple immersion is fitting because it expresses symbolically both the Trinity and the three days in the tomb.

About extreme unction the martyr makes the following observations. If a priest is unable to complete the sacrament, another priest may not repeat any anointings already performed; it is by the last anointing that the grace of the sacrament is actually conferred; an impenitent person may not receive extreme unction; the sacrament was not instituted primarily to restore sanctifying grace, like baptism and penance, but as a remedy for venial sin; the simultaneity of form and anointing is retained, if one begins before the other ends (see Scotus in IV Sentences, 7a); where a person is mutilated the nearest part is to be anointed; lastly, after the anointings have been completed, "expediens est" that the priest should enquire whether the subject remembers any more sins to confess.

Under matrimony a definition of the nature of the contract

is given. The prohibition of the nuptial blessing in the case of remarriage (except where a virgin contracts with a widower) is repeated. The beauty and elegance of the martyr's script shows that his work was a labour of love.

Pages 59v to 71v contain in a contemporary, cursive, and not elegant hand some additional rites and ceremonies. The first is headed *In funere secularium* and begins with the *Non intres in judicium*, followed, not preceded, by the *Subvenite* and, after some intervening responses and a prayer, by the *Libera*. While the body is borne to the cemetery *In Paradisum* is recited, after which the *Benedictus* is said, the grave blessed, etc. Prayers are recited during the return to the church.

The burial service for infants is shorter than ours, comprising two Psalms (112 and 148) instead of four, and the canticle of the three children. The rite of the consecration of an altar by a bishop is next given. Pages 72r to 77v are blank. At page 78 comes the blessing of a rosary, the same as our longer form. The blessings of priestly vestments are like ours, save that the third prayer is omitted and a special one is supplied for each vestment. The blessing of altar linen does not differ from that of the present day. Next come the blessing of a chalice and a paten; that of sacred vessels and ornaments (the second prayer alone is different); the blessing of books (not contained in modern rituals); and the blessing of a thurible. The blessing of a corporal comprises three prayers: the first is identical with the one now in use. Page 83 is blank and at page 84 is an index in the hand of this same writer, who supplements the work of Buxton. He is possibly the priest R. D. himself, since the writing of the identifying note at the beginning is the same. There was good reason for not supplying his name.

The Throckmortons acquired Weston Underwood about 1446. In 1827 their mansion, which had sheltered the faith through penal times, was demolished and a priest's hiding hole exposed. The stables (now converted into a residence) and the rear portion of what till 1899 formed the priest's house (also incorporated into a residence) are all that remains of the original buildings. In 1899 the property was sold to Protestants, the Catholic chapel built in 1828 demolished, and the mission transferred to Olney. The Weston registers commence in 1710

and the list of chaplains can be compiled from that date. Two books formerly belonging to Sir Robert Throckmorton are also kept at the presbytery at Olney. The first is a Sarum missal, printed by the University of Paris in 1515, edited by Wolfgang Hopilio at the expense of a citizen of Cologne, named Francis Byrkman. The second is an abbreviated travelling missal of 144 pages, printed 1615, entitled "Missae Aliquot pro Sacerdotibus itinerantibus in Anglia", excerpted from the Roman missal and designed, as the title explains, for the use of priests working in the unsettled conditions of this country.

For the history of the mission since its transfer to Olney, reference may be made to an article by the present parish priest, the Rev. T. D. Walters, in *Northampton Diocesan Magazine* (No. IV, Vol. XVIII, Winter 1950-51). We should here like to thank him for so kindly providing the opportunity to examine at leisure this precious relic of the martyr.

L. E. WHATMORE

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## THE CONFESSIONS OF NUNS

(Concluded)

### 4. *The Supplementary Confessor*

In §2 of canon 521, the Code orders that:

Ordinaries . . . must appoint some priests to each house, to whom the religious may, in particular cases, have easy recourse for the sacrament of Penance, without having to approach the Ordinary himself on each occasion.

From the use of the word "some" (*aliquot*), we conclude that at least two such confessors are to be appointed, and in practice several are chosen, usually from among the clergy of the district in which the convent is situated. The name given to these confessors is not fixed, and they are even described in pre-Code law as "extraordinarii".<sup>1</sup> To avoid the obvious danger of con-

<sup>1</sup> E.g. *Quemadmodum*, n. 4 (1890), and *Cum de sac.*, n. 11.

fusion, authors often refer to the extraordinary confessor of canon 521, §1 (cf. supra), as "extraordinarius generalis", and to the supplementary as "extraordinarius specialis", "adiunctus", or "suppletorius", etc.

The services of these supplementary confessors may be used "in particular cases", which is a vague term but which, following the sources and their interpretation, we may paraphrase as "with a just cause and on a particular occasion". All would agree that a just cause is present in the case of spiritual necessity or utility. Needless to say, however, frequent use of this permission would not be allowed, since it would make the supplementary into an ordinary confessor, for whom a special appointment is necessary in accordance with canon 520. Commenting on 521, §2, Schaefer says that the permission "non valet . . . pro omnibus casibus et pro semper".<sup>1</sup> It is, nevertheless, equally important to say that religious are sometimes reluctant to use a liberty or privilege which is theirs by right, and it is conceivable that an individual nun could regard the supplementary confessor as being available only in the extreme circumstances of mortal sin or great spiritual anxiety. It should, therefore, be stressed that the cause required need only be a reasonable or just cause. Dr Brys, in an article in the *Collationes Brugenses*, gives the following list of sufficient causes: the desire to go to confession during the absence of the ordinary confessor, the fact that the nun finds it easier to speak about the state of her soul to the supplementary confessor in question; she may, perhaps, be the victim of scruples or severe temptations, or she may merely wish to make a more fervent preparation than usual for some feast.<sup>2</sup>

The question now arises whether the phrase "in particular cases" is applicable not only to the individual religious, but also to the whole community, e.g. when the ordinary confessor is ill or absent for some other reason. Many commentators hold the view that the supplementary may be called in for the whole community in such circumstances: thus Schaefer,<sup>3</sup> Berutti,<sup>4</sup> De Sobradillo<sup>5</sup> and Creusen-Ellis.<sup>6</sup> The arguments of the last-named may be taken as representative:

<sup>1</sup> Op. cit., n. 645, p. 340.   <sup>2</sup> Brys in *Collationes Brugenses*, xxiii (1923), p. 470.

<sup>3</sup> Op. cit., n. 644, p. 340.

<sup>5</sup> Op. cit., p. 159.

<sup>4</sup> Op. cit., §44, n. ii, p. 88.

<sup>6</sup> Op. cit., p. 84.

- i. the extra confessors have been specially appointed to hear the confessions of religious;
- ii. they are appointed "for each house";
- iii. the religious may go to confession to them without applying each time to the Ordinary;
- iv. no term limits the use of these faculties to one or several religious in particular;
- v. the superior must obtain for her community an opportunity of going to confession at least once a week, and the services of an extra confessor are not an encroachment on the office of the ordinary confessor, as he, by supposition, is hindered . . . from hearing confessions.

Brys, however, in the article already referred to, is against this mild view, and argues shrewdly from the sources of canon 521, §1, and from canon 6, n. 4: since the decrees *Quemadmodum* and *Cum de sacramentalibus* were interpreted as applying only to the individual religious, we ought, in accordance with canon 6, n. 4, *stante dubio*, to adhere to this interpretation.<sup>1</sup> Juridically speaking, it seems hard to escape this conclusion, but the mild view is probable and is widely followed in practice.

The wording of §3 leaves us in no doubt as to the importance attached by the Church to the individual nun's freedom granted in §2, and the law is strengthened by sanctions, including deprival of office.<sup>2</sup> Canon 521, §3, reads:

If any religious asks for one of these confessors, no superioress may either *per se* or *per alium*, directly or indirectly, inquire into the reason for the request, oppose it by word or deed, or show herself to be in any way averse to it.

Usually the religious will make the request through the superioress, but she is not bound to do so, and the superioress, if asked, must send for the confessor. Finally, it should be stressed that though the nun is given some freedom in this canon, she ought to exercise it reasonably: she should not, therefore, ask for a priest to come from a distant place, when there is no lack of supplementary confessors near at hand.<sup>3</sup>

<sup>1</sup> *Coll. Brug.*, num. cit., p. 471.

<sup>2</sup> Cf. canon 2414.

<sup>3</sup> Cf. Bastien, op. cit., 200, n. 2, p. 128; also Creusen-Ellis, op. cit., p. 85.

### 5. *The Occasional Confessor*

Canon 522 brings us to one of the most famous parts of the Church's legislation on religious. The modern law on the occasional confessor has a most interesting history and marks a great advance in the measure of freedom allowed to the individual nun in her choice of confessor. Several momentous replies of the Code Commission have amplified canon 522, and this fact alone makes it imperative that one's books of reference on the subject be up to date. Canon 522 states:

If, notwithstanding the prescription of canons 520 and 521, any religious has recourse, for the peace of her conscience, to a confessor approved by the local Ordinary for women's confessions, the confession, whether made in a church or oratory, even semi-public, is valid and lawful, every privilege to the contrary being revoked; nor may the superiorress forbid it or make any inquiry about it, even indirectly; nor are the religious bound to refer to the superiorress on any point.

The last part of this canon is reminiscent of canon 521, §3, and canon 523 contains a similar clause, but nowhere in canon 522 is the individual nun given the right to demand that the superiorress send for a confessor, nor has she the right to leave her convent without permission.

The motive required by the law is peace of conscience, but this is not to be regarded as a condition for the validity of the confession, since otherwise too great a burden would be placed on the individual's conscience, which could easily become a prey to scruples. The phrase is something new in the law, and a reference to the decree *Cum de sacramentalibus*, n. 14, will be of use here:

Si quando (religiosae) extra propriam domum quavis de causa versari contigerit, liceat eis in qualibet ecclesia vel oratorio etiam semipublico, confessionem peragere apud quemvis confessarium pro utroque sexu approbatum.<sup>1</sup>

A comparison of the canon with this section of the decree, which is its source, reveals some striking differences. It will be

<sup>1</sup> Cf. Gasparri, *Fontes*, Vol. VI, p. 1019.

noted at once that the phrase "extra propriam domum" of the decree does not appear in the canon and we conclude that such confessions may now be made either inside or outside the religious house. We believe that this point is not adverted to by many religious, who still think that they must go to the occasional confessor outside the convent. Such a misconception denies them a liberty which the Church has deliberately given.

The new phrase "ad suae conscientiae tranquillitatem" should be widely interpreted, and, to quote Schaefer once again, "per se in confessione sincera ista conditio fere semper verificatur".<sup>1</sup> The same author gives a list of motives which may be regarded as sufficient:

... dubium de importuna tentatione, de peccato, de obligatione; impedita confessio die consueto; culpa etiam levis, magis deliberate admissa, devotio maior in pervaigilio festi, occasio data sacerdotem peritiorem adeundi etc.<sup>2</sup>

Where such a sufficient reason does not exist, the confessor should warn the penitent where she is at fault, but even so, the confession made in this case would be valid.

Granted, then, a sufficient motive, the religious may "have recourse to a confessor, etc." This phrase is used to translate the word "adeat", which is to be interpreted in the sense of a reply of the Code Commission, 28 December, 1927. The Commission was asked:

Whether the word *adeat* of canon 522 is so to be understood that the confessor cannot be called by the religious herself to a place which is legitimately destined for the confessions of women or of religious women?

Reply: in the negative.<sup>3</sup>

Coronata sums up the position in a pithy phrase: "Adit sive qui corpore, sive qui litteris, sive qui alio modo adit".<sup>4</sup> It is sufficient, therefore, if the religious makes the first move.

Now the confessor to whom the nun may have recourse is

<sup>1</sup> Op. cit., n. 650, p. 343.

<sup>2</sup> Op. cit., loc. cit.

<sup>3</sup> Cf. Bouscaren, op. cit., Vol. I, p. 296.

<sup>4</sup> *Institutiones Juris Canonici*, Vol. I, n. 551, ad calc. pag.

described by the Code as one "approved by the local Ordinary for the confessions of women". Here again we see a difference between the canon and the decree. In the latter, the confessor had to be approved "pro utroque sexu". Usually, of course, confessors are thus approved, at least in these islands and in America, but the minimum required in this context is approbation for the confessions of women. This minimum is necessary for the validity of the nun's confession. Otherwise she would be granted much more freedom than is allowed to laywomen, and such a procedure would constitute an almost inconceivable *volte-face* in the Church's traditional policy with regard to nuns.

It follows also from the wording of the Code that approval for the confessions of any group of women, for instance a girls' boarding school, would be sufficient for the purpose of the canon: we say "any group" because the canon has "pro mulieribus approubatum" without qualification. The approval must have been given "by the local Ordinary", and here again the traditional interpretation of the Church's law is of supreme moment in deciding which local Ordinary is intended: the phrase means "by the Ordinary of the place of the confession".

The next question to be discussed is the very intricate one of the place in which these occasional confessions may be heard. In the Code we find three places listed, viz. a church, a public oratory, and a semi-public oratory. In each of these we must exclude the sacristy: a similar distinction is made when dealing with mixed marriages, which, according to canon 1109, §3, must be celebrated "extra ecclesiam".<sup>1</sup> Shortly after the promulgation of the Code, the question arose whether the words of canon 522 were to be understood as implying that confessions made outside these three places were not only unlawful but invalid. On the 24 November, 1920, the Commission replied that such confessions were ". . . licit and valid provided that they be made in a church or in an oratory, even semi-public, or in a place which is legitimately destined for the confessions of women".<sup>2</sup> This latter place brought the total to four, and discussion on

<sup>1</sup> Cf. on this point re canon 522, an article by Dr Kinane in *Irish Ecclesiastical Record*, 1930, Vol. I, p. 421.

<sup>2</sup> Cf. Bouscaren, op. cit., Vol. I, p. 295.

the fourth place eventually led to another reply fifteen years later. But meanwhile a reply on the 28 December, 1927, stated that confessions of nuns made outside the places mentioned by canon 522 and the 1920 reply were unlawful and invalid.<sup>1</sup> There still remained the doubt as to the precise nature of the place described in the 1920 reply as "legitimately destined for the confessions of women", and in 1935 the Commission was asked:

Whether the words *loco legitime destinato* . . . are to be understood not only of a place *habitually* designated, but also of a place destined *per modum actus*, or chosen in accordance with canon 910, §1?

Reply: in the negative to the first part; in the affirmative to the second.<sup>2</sup>

In other words, confession made in the circumstances of canon 522 is unlawful and invalid unless it is made in one of the following *six* places:

- i. a church;
- ii. a public oratory;
- iii. a semi-public oratory;
- iv. a place habitually destined for the confessions of women;
- v. a place destined for the confessions of women *per modum actus*;
- vi. a place chosen in accordance with canon 910, §1.

Catholic hospitals will usually provide examples of a place habitually destined for the confessions of women, since they often have a special confessional outside the oratory for the convenience of their patients, both men and women. We are also fairly familiar with examples of places destined *per modum actus* on the occasion of missions, in order to deal with the large number of penitents, or for use while the church is undergoing repairs or redecoration.

The ultimate designating authority for this last type of place is, of course, the local Ordinary, but in practice parish priests, rectors, and local superiors are usually competent here, without having to consult the Ordinary on every occasion. The Or-

<sup>1</sup> Bouscaren, *ibid.*, p. 296.

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<sup>2</sup> Bouscaren, *op. cit.*, Vol. II, p. 161.

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dinary's general regulations covering such contingencies must be followed. Designation by the confessor would, however, be insufficient, since this would give an almost unlimited choice of place and thereby render nugatory the Church's obvious intention to impose certain definite restrictions.<sup>1</sup>

Canon 910, §1, forbids the hearing of women's confessions outside the confessional unless there is an excusing cause of sickness or other real necessity "et adhibitis cautelis quas Ordinarius loci oportunas iudicaverit". This prohibition is a grave one, but it would not have the effect of invalidating a laywoman's confession in contravention of it. In the case of nuns, however, the condition of place is necessary for the validity of their confessions. In other words, the confession of a nun made outside the confessional and without the excusing cause above mentioned would be invalid. The infirmity or illness spoken of in the canon need not be serious: the position of nuns who are gravely ill is dealt with in canon 523. For the purpose of canon 522, it is sufficient if the nun is unwell, confined to her cell, for instance, with a bad cold. A case of real necessity would be verified if the act of going to confession in the usual confessional would cause grave inconvenience or serious embarrassment to the religious concerned. If the nun assures the priest that there is such necessity present in her case, he should believe her, but if he knows, despite this assurance, that there is no excusing cause, he should not hear the confession outside the confessional.

#### *6. The Confession of a Nun seriously ill*

Throughout this essay attention has been constantly drawn to the outlook of the Church in her spiritual care of nuns: we have seen how she blends a certain strictness with a wise liberality in favour of the individual. Consequently, it is not surprising that she shows herself very generous towards those who are seriously ill, and in this case, too, she waives the general principle of canon 876, which demands special approbation on the part of the confessor. Canon 523 states:

All religious when seriously ill, even though not in danger of death, may summon any priest who is approved for the con-

<sup>1</sup> This is against Cappello: cf. *De Paenitentia*, 5th edit. (1943), n. 314.

essions of women, even though he is not approved for religious, and they may make their confessions to him as often as they wish while their serious illness lasts; nor may the superioress prevent them either directly or indirectly.

To be able to take advantage of this permission the nun must be seriously ill, but not so seriously as to be in danger of death. A serious illness is one which considerably weakens the patient, or, as Schaefer says, "... quando medicus necessario advocandus iudicatur":<sup>1</sup> an illness which is beyond the scope of ordinary home nursing. It should be remembered that an illness which would be slight in a young, robust type of person could quite easily be serious in the case of an elderly person or one who is constitutionally delicate or already weakened by previous ailments.

This condition verified, then, the nun may call in any priest who is "approved for the confessions of women". This phrase has given rise to controversy. Some, adhering strictly to the wording of the canon, hold the view that approval by *any* Ordinary is sufficient. Others, with a more comprehensive use of the rules of interpretation, maintain that the approval mentioned must come from the local Ordinary of the convent: this was the accepted sense of the word "approved" before the Code, and this was the interpretation given to n. 15 of *Cum de sacramentalibus*, which is the direct source of canon 523.<sup>2</sup> In virtue of canon 6, therefore, we should retain the traditional interpretation here. The non-traditional view would place the religious of canon 523 in a much more advantageous position than a lay-woman who, when seriously ill, must confess to a priest approved by the local Ordinary of the place of the confession, and we have had occasion already to point out that such a fundamental change of policy by the Church is altogether unlikely.

The permission granted by canon 523 may be used "as often as the religious wish while their serious illness lasts". Consequently, it is only when the patient is quite clearly on the mend and is no longer regarded as seriously ill that the privilege ceases.

We have said enough in all the above to indicate that difficulties and doubts with regard to nuns' confessions can arise

<sup>1</sup>Op. cit., n. 660.

<sup>2</sup>Cf. Gasparri, op. cit., Vol. VI, p. 1019.

from different sources: some from the very nature of the confessor's office, and others from the fact that religious penitents are sometimes in doubt as to the extent of the Church's liberality towards them. Moreover, it should be quite clear that the law we have been considering is the result of a long process of development, which did not come to an end in 1918; and if we have made many references to decrees and replies, we have done so because it was necessary and in accordance with the Church's own laws on interpretation. Without doubt the subject is complex, but complexity is not confusion and need not engender it: we hope we have not caused any in our attempt to be reasonably brief.

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## QUESTIONS AND ANSWERS

### ANNUAL (EASTER?) CONFESSION

What is a suitable reply to a young person who refuses to go to confession during the paschal season, alleging that he has no mortal sins to confess? (C.)

### REPLY

Canon 901: *Qui post baptismum mortalia perpetravit, quae nondum per claves Ecclesiae directe remissa sunt, debet omnia quorum post diligentem sui discussionem conscientiam habeat, confiteri et circumstantias in confessione explicare, quae specimen peccati mutent.*

Canon 906: *Omnis utriusque sexus fidelis, postquam ad annos discretionis, idest ad usum rationis, pervenerit, tenetur omnia peccata sua saltem semel in anno fideliter confiteri.*

*Mystici Corporis A.A.S.*, 1943, xxxv, p. 235 . . . ad alacriorem cotidie per virtutis iter progressionem faciendam maxime commendatum volumus plium illum, non sine Spiritu Sancti in-

stinctu ab Ecclesia inductum, crebrae confessionis usum, quo recta sui ipsius cognitio augetur, christiana crescit humilitas, morum eradicatur pravitas, spirituali negligentiae torporique obsistitur, conscientia purificatur, roboratur voluntas, salutaris animorum moderatio procuratur, atque ipsius sacramenti vi augetur gratia. (C.T.S., Eng. tr., n. 87.)

i. The law of annual confession in canon 906 uses the word "peccata" in the sense of "mortalia" as in canon 901. Unlike the law of annual communion in canon 859, which must be observed during the paschal season, the time of the year for this confession is not determined, and various views are possible in reckoning the beginning of the year within which the confession of mortal sin is obligatory.<sup>1</sup> It may be reckoned from the date of the first lapse into mortal sin, or by whatever style is current in determining the first day of the year in the calendar—in modern usage 1 January—or by taking the first day of the year to be that on which the obligation of paschal communion begins in local usage. A person who has fulfilled the law of annual confession on any of these reckonings is bound from canon 856 to go again during the paschal season, when conscious of mortal sin, if he has not yet during that season received holy communion. The laws are not usually understood very accurately even by the instructed laity, who think that the paschal duty obviously means confession as well as communion, and there is every reason for leaving them under this persuasion.

ii. The attitude of the young person mentioned in the question may be due to an erroneous conscience: he may not be conscious of mortal sin because his judgement wrongly excuses him, in which case a reply will take the form of enlightenment. Otherwise, it will take the form of explaining the value of sacramental absolution for venial sins, and urging this not as a precept but as a counsel. The writers expand on this topic, but it is scarcely possible to find their doctrine more accurately expressed and in fewer words than in the above extract from *Mystici Corporis*. The context, which is concerned with venial sins, rejects the contention that the general confession in the liturgy is to be esteemed more highly than sacramental confession.

<sup>1</sup> THE CLERGY REVIEW, 1940, XIX, p. 73.

## FEAR EXCUSING FROM CENSURE

When the law declares that grave fear excuses from incurring a censure does this include fear arising from intrinsic causes, or is it to be restricted, as in the marriage impediment, to fear inflicted extrinsically by a free agent? For example, an unmarried pregnant woman fearing the loss of her good name might commit abortion: does she incur the censure of excommunication? (X.)

## REPLY

Canon 2229, §3.3: *Metus gravis, si delictum vergat in contemptum fidei aut ecclesiasticae auctoritatis vel in publicum animarum damnum, a poenis latae sententiae nullatenus eximit.*

Code Commission, 30 December, 1937; THE CLERGY REVIEW, 1938, XIV, p. 452: *An metus gravis a poenis latae sententiae eximat si delictum, quamvis intrinsece malum et graviter culpabile, non vergat in contemptum fidei aut ecclesiasticae auctoritatis vel in publicum animarum damnum ad normam canonis 2229, §3.3?* *Resp.* Affirmative.

Canon 2350, §1: *Procurantes abortum, matre non excepta, incurunt, effectu secuto, in excommunicationem latae sententiae Ordinario reservatum. . . .*

Fear is always something subjective in the person suffering it: the distinction between "intrinsic" and "extrinsic", however, is a convenient method of differentiating between fear which arises from the nature of things, e.g. fear of disease or of dis-honour, and that which is caused by an external free agent. The distinction has no relation to the well-established difference between sins which are wrong intrinsically and those which are not. Moreover, it is not in dispute that grave fear never permits a person to do something intrinsically and gravely wrong, though it will often excuse from the observance of positive laws: hence it is not in dispute that abortion is usually gravely sinful, even when committed through grave fear, and the problem to be solved concerns only the ecclesiastical penalty.

i. The text of the law about fear excusing from censures

does not state whether the fear is intrinsic or extrinsic, whereas in other laws, as for example in the definition of the marriage impediment of fear, it is clearly stated: "ob vim vel metum gravem ab extrinseco et iniuste incussum".<sup>1</sup> Neither do the generality of commentators expressly decide the point at issue, though their doctrine supposes that by fear they mean both kinds. Thus Brys: "... propter can. 2229, §3.3, ubi hoc directe asseritur, si mater ex gravi metu sibi abortum procuret (qui casus non infrequens est), quamvis a gravi peccato haud excusat, censuram non contrahit".<sup>2</sup>

ii. Amongst those who take the stricter view, Michiels—one of the classical commentators—holds that the juridical notion of fear is always restricted to that which is extrinsic, and undoubtedly many canons support this interpretation by using the word "incussum" when describing fear, as in canon 103, §2. Coronata also adopts this view. The commentators on Code Commission, 30 December, 1937, do not advert to the point, with the exception of Regatillo: "Metus, qui a poenis l.s. excusat, est ab extrinseco, iniustus; non ab intrinseco. Sic mater sibi procurans abortum ob metum infamiae, excommunicationem contrahit."<sup>3</sup>

iii. The only writer known to us who examines the difficulty fully and expressly is Beijersbergen, S.J.<sup>4</sup> He defends the opinion that, as regards the application of the penal law, the notion of fear includes that which is intrinsic, though outside the penal law it is restricted to fear caused by a human agent *ab extrinseco*. Amongst the many excellent reasons adduced for this liberal interpretation are, for example, the principle of canon 2205, §2, which allies grave fear to necessity and grave inconvenience; or the well-known requirement of contumacy for incurring censures; and, still more, the familiar rule of canon 2219, §1, "In poenis benignior est interpretatio facienda." They are reasons which, in practice at any rate, weigh with all the canonists writing on the subject, even though they do not expressly deal with the difficulty we are examining.<sup>5</sup> Fr Beijersbergen's interpretation is adopted by some later writers,

<sup>1</sup> Canon 1087, §1.

<sup>2</sup> *Collationes Brugenses*, 1934, p. 45; *Dict. Droit Canon.*, III, col. 183.

<sup>3</sup> *Interpretatio et Iurisprudentia*, §760.

<sup>4</sup> *Periodica*, 1941, p. 274.

<sup>5</sup> E.g. *Apollinaris*, 1932, p. 253; *Periodica*, 1938, p. 163.

e.g. Bouscaren-Ellis: "... it is at least solidly probable that grave fear is a complete excuse even though not external. . . ."; Heylan: "Stante controversia, censura in praxi urgeri nequit"; Cloran: "... grave fear excuses from the penalty, even though the crime is intrinsically wrong and gravely culpable, and even though the fear is merely internal and not unjustly inflicted by an external agent".<sup>3</sup>

We think this solution of the doubt may safely be followed until it is officially decided in an opposite sense; accordingly the pregnant woman who commits abortion through fear of losing her good name does not incur the censure of excommunication.

#### WHICH LEGAL INTERPRETATIONS ARE RETROSPECTIVE?

Unless the legislator expressly declares that he wills his interpretation or legal decision to be retrospective, how is one to know whether it is so or not? The matter is of importance for deciding on the validity of acts performed before an authentic legal interpretation is given. (F.)

#### REPLY

Canon 10: *Leges respiciunt futura, non praeterita, nisi nominatim in eis de praeteritis caveatur.*

Canon 17, §2: *Interpretatio authentica, per modum legis exhibita, eandem vim habet ac lex ipsa; et si verba legis in se certa declarat tantum, promulgatione non eget et valet retrorsum; si legem coarctet vel extendat aut dubiam explicet, non retrotrahitur et debet promulgari.*

i. The question arises quite often in decisions of the Code Commission interpreting some canon of the Code, and the distinction in canon 17, §2, between an interpretation which is "declarativa" and one which is "explicativa" chiefly arises

<sup>1</sup> *Canon Law* (1946), p. 796.

<sup>2</sup> *Previews and Practical Cases*, p. 104.

<sup>3</sup> *De Censuris*, p. 30.

when, subsequent to some authentic interpretation, the commentators are not agreed whether it solved a doubt, in which case it is not retrospective, or whether it merely declared some point which was already in itself certain from the words of the existing law, in which case it is retrospective. The interpretation is declarative when its effect is that people who did not understand the law before understand it now; it is explanatory when its effect is to bring to light something which before was obscure.<sup>1</sup>

ii. The difference between these two notions is often very ill-defined, and we are recommended to consult the commentators in order to discover whether some point or application of a law is doubtful, because if it is some will then hold one view and others the exact opposite. But it may happen that a respectable number of commentators are themselves in agreement that a law is doubtful, or they may even agree that a given interpretation of the Code Commission is the resolution of a doubt, and yet these views may prove to be wrong. Thus, the interpretation given 20 July, 1929, deciding that the exception in the latter part of canon 1099<sup>2</sup> applied even to the child of a mixed marriage, contradicted the common teaching of practically all the canonists,<sup>3</sup> therefore it seemed that the Commission's interpretation was at least the solution of a doubt. On the contrary, the reply of 25 July, 1931, stated that the previous interpretation was declarative.<sup>4</sup>

iii. Since one cannot with confidence rely on the commentators for discovering whether an interpretation is declarative or not, the remedy is for the legislator to state clearly what his will is in the matter, as happened in the Commission's reply, 25 July, 1931. The same applies to the question of local laws which may or may not affect travellers: the commentators often disagree in deciding whether such laws have or do not have a relation to public order, which is the criterion in canon 14, §2, for discovering whether travellers are bound by them or not. The remedy for the uncertainty is for the legislator to state that

<sup>1</sup> Cicognani, *Canon Law*, p. 602.

<sup>2</sup> Observe that this "comma" is now deleted from the Code: *Motu Proprio*, 1 August, 1948; THE CLERGY REVIEW, 1948, XXX, p. 341.

<sup>3</sup> *Jus Pontificium*, 1929, p. 195: "communem iurisperitorum interpretationem funditus subvertit"; for the names cf. *Apollinaris*, 1930, p. 303.

<sup>4</sup> *Periodica*, 1932, p. 45.

travellers must obey the law, as the Malines Provincial Council (1937) does in n. 176, which includes travellers in the prohibition against clerics frequenting theatres.<sup>1</sup>

### CHRISTMAS EVE FAST

Seeing that the fasting days are by indult and for the time being limited to four days, including Christmas Eve, may one still accept the teaching of the manualists which permits on this *ieiunium gaudiosum* a more generous estimate of the quantity of food allowed at subsidiary repasts, and which permits a person engaged in heavy manual work to disregard the fast even though he happens, perhaps, to be resting from work on a fast day? (L.)

### REPLY

Canon 1251, §1 : Lex *ieiunii praescribit ut nonnisi unica per diem comedio fiat; sed non vetat aliquid cibi mane et vespere sumere, servata tamen circa ciborum quantitatem et qualitatem probata locorum consuetudine.*

The days of fasting in the common law at present are Ash Wednesday, Good Friday, the Vigil of the Assumption and Christmas Eve.<sup>2</sup> In our view the fact that the number of days is reduced does not mean that the law is to be more strictly interpreted. One may observe the fast either by measuring the subsidiary repasts in the traditional manner according to the number of ounces, or by accepting the more recent method of measuring them according to the needs of each individual.

i. The traditional method has the advantage of being plain and definite: two ounces in the morning and eight in the evening. But it has given rise to all the casuistical devices for relaxing the rigour of the law, amongst which are those mentioned by our correspondent. They are solutions which have at least extrinsic probability and they may be applied even to the four days of fasting now prescribed.

<sup>1</sup> THE CLERGY REVIEW, 1946, XXVI, p. 266.

<sup>2</sup> S.C. Concil., 28 January, 1949; THE CLERGY REVIEW, 1949, XXXI, p. 279.

ii. A better approach to the whole subject measures the subsidiary repasts on a basis relative to the needs of each individual, whilst retaining the essence of the fasting law which permits only one *full* meal. This method has been favoured by many theologians and canonists<sup>1</sup> and by the bishops in some countries. If eventually it is universally accepted, the fasting laws will be made possible for all to observe, and we shall be spared the somewhat puerile discussions still found in our books on the various ways of circumventing the rule of two and eight ounces: stiffening liquid nourishment, eating sweets, extending the time of the chief meal in both directions, and so forth.

#### EXPOSITION—NUMBER OF WATCHERS

Is there any explicit law about the minimum number of worshippers during exposition of the Blessed Sacrament, whether during the Forty Hours or for lesser periods? (W.)

#### REPLY

The chief official document regulating everything about exposition of the Blessed Sacrament is the Clementine Instruction. It supposes that there will be a number of people present throughout, and is concerned in n. IX with specifying the persons who should be amongst them: one or two priests, or others in sacred orders, vested in cassock and surplice, and outside the altar rails two members of the confraternity attached to the church kneeling at a specially provided bench. The doubt put by our correspondent is not solved in this section, which simply takes for granted that there will be a number of the faithful adoring the Blessed Sacrament. We cannot trace, in explicit official directions, any decision about the minimum number to be present continuously. But, relying on what is certainly the accepted custom, we think that there must be at least two inclusive of the cleric or confraternity members required by the Clementine Instruction. If in religious orders of women devoted

<sup>1</sup> Cf. *Theological Studies*, 1946, p. 464; Aertnys-Damen, *Theol. Moralis*, I, p. 732.

to perpetual adoration the presence of only one is tolerated, it must be assumed that this is permitted by their constitutions, and it may not be taken as a normal rule in all circumstances. What the common law leaves undetermined, local law may make explicit; any directions of local authority about the minimum number of persons present are binding, and local Ordinaries may make it a condition before granting permission.

#### LOCKED BAPTISTRY

Is it necessary for the lid or cover of a baptismal font to be secured by lock and key when not in use? (X.)

#### REPLY

*Rit. Rom.*, II, i, 46: *Baptisterium sit decenti loco et forma, materiaque solida, et quae aquam bene contineat, decenter ornatum, et cancellis circumseptum, sera et clave munitum.* . . .

There is some little obscurity about the word *baptisterium* which may denote either the building, annexe, chapel or location wherein the font is placed, as in *Rit. Rom.*, II, ii, 17: "Tunc ingreditur baptisterium"; or the font itself, as in the above text of the Ritual, another term for which is *fons baptismalis*, as in canon 774. A baptismal font should be surrounded by a grill (unless it is a separate building with its own locked entrance door), and the law is then observed fully, in our opinion, if the surrounding grill is itself securely locked when the font is not in use. The purpose of the law requiring a grill is to protect the baptistry from being used as a convenient place for depositing clothes, umbrellas, church furniture and what not. Provided the font is itself securely protected against dust by a lid or cover, which often takes the form of an imposing canopy, there seems no need to secure this cover by lock and key if the baptistry is itself surrounded by a locked grill. But many churches are too poor or too small to have a grill surrounding the font: in this case the law certainly requires the cover or lid of the font to be

secured by lock and key, and the church furnishers who supply small inexpensive fonts are accustomed so to furnish them. Cf. *Ephemerides Liturgicae*, 1928, p. 32; *Collationes Brugenses*, 1927, p. 350.

E. J. M.

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## ROMAN DOCUMENTS

### RUTHENIANS IN CANADA

#### I

#### CONSTITUTIO APOSTOLICA

##### RUTHENORUM EXARCHATUS IN DITIONE CANADENSIS

UNICUS HUCUSQUE RUTHENORUM EXARCHATUS APOSTOLICUS IN DITIONE CANADENSI TRIPARTITO DIVIDITUR, ET EXINDE EXARCHATUS CENTRALIS, ORIENTALIS ET OCCIDENTALIS PRO RUTHENIS CONSTITUUNTUR (*A.A.S.*, 1948, XL, p. 287).

PIUS EPISCOPUS

SERVUS SERVORUM DEI  
AD PERPETUAM REI MEMORIAM

Omnium cuiusvis ritus christifidelium in quacumque orbis parte degentium suprema cura, Romanis Pontificibus divinitus commissa, exigit ut quae ad animarum salutem necessaria vel opportuna videantur, ea sedulo studio procurentur.—Quo motus consilio Dei Servus Pius Papa Decimus, Praedecessor Noster, per crescentibus in dies Ruthenis byzantini ritus fidelibus e patriis regionibus in Canadensem ditionem immigrantibus, libenter excipiens illius regionis Antistitum preces, qui expostulaverant ut spirituali Ruthenorū illorum regimini iuxta eorum ritum et disciplinam adaequate prospiceretur, per Apostolicas Litteras, die quinta decima Iulii mensis, anno millesimo nongentesimo duodecimo datas, pro Ruthenis in Canadensi ditione commorantibus episcopalem Ordinariatum, seu Exar-

chatum constituit; cui postea ab Apostolica Sede opportunae normae per Decretum *Fidelibus Ruthenis* diei decimae octavae Augusti mensis, in sequentis anni, atque per Decretum alterum *Graeci-Rutheni* ritus diei vigesimae quartae Maii mensis, anno millesimo nonagesimo trigesimo, traditae sunt. Quum vero nunc etiam Rutheni in Canadensi ditione et numero et merito aucti sint, Nos, non minus quam Praedecessores Nostri de eorum spirituali salute solliciti, praehabito favorabili voto venerabilis Fratris Ildebrandi Antoniutti, Archiepiscopi titularis Synnadiensis, in Canadensi ditione Delegati Apostolici, de venerabilium Fratrum Nostrorum S. R. E. Cardinalium S. Congregationi pro Ecclesia Orientali praepositorum consilio, suppleto, quatenus opus sit, quorum intersit vel eorum qui sua interesse praesumat consensu, re mature persensa ac certa scientia, de apostolicae Nostrae potestatis plenitudine, unicum hucusque episcopalem Ordinariatum seu Exarchatum pro Ruthenis in Canadensi ditione degentibus in tres dividimus partes, quarum una Exarchatum Apostolicum Ruthenorum *Ditionis Canadensis Centralis* esformabit, cuius sedes in *Winnipeg* urbe, ubi hucusque erat praefati unici Exarchatus sedes, etiam in posterum manebit; eiusque Exarchus super Ruthenos, in civilibus provinciis vulgo *Manitoba* et *Saskatchewan* et in finitimis septentrionalibus regionibus commorantes, iurisdictionem habebit; illius vero cathedralm in ecclesia SS. Wladimiris et Olgae, in eadem *Winnipeg* urbe extante figimus. Altera pars Exarchatum Apostolicum *Ditionis Canadensis Orientalis* esformabit; cuius sedes erit in *Toronto* urbe; eiusque Antistes super Ruthenos, in civilibus provinciis vulgo *Ontario*, *Quebec*, *New Brunswick*, *Nova Scotia*, *Prince Edward Island*, *Newfoundland* et *Labrador*, extantes iurisdictionem exercabit; illiusque cathedralm in ecclesia S. Iosaphat, in *Toronto* urbe sita, statuimus. Tertia vero complectetur Exarchatum Apostolicum *Ditionis Canadensis Occidentalis*, cuius sedes erit in *Edmonton* urbe; eiusque Exarchi subiecti erunt Rutheni degentes in civilibus provinciis vulgo *Alberta*, *British Columbia*, nec non in regionibus vulgo *Yukon* et in aliis regionibus, quae septentrionem versus Oceanum Arcticum attingunt; atque illis cathedralm in ecclesia S. Iosaphat in praefata *Edmonton* urbe extante figimus. Tres istos Exarchatus Nobis et Sedi Apostolicae immediate subiectos volumus; eorumque pro tempore Praesulibus curam, regimen et administrationem tum in spiritualibus tum in temporalibus suorum cuique Exarchatum plenarie committimus una cum omnibus iuribus, insignibus, privilegiis, nec non oneribus et obligationibus, ad normam sacrorum canonum et peculiaris Ruthenae Ecclesiae iuris, pastorali eorum efficio inhaerentibus. Ut vero Exarchi intra fines sui Exarcha-

tus non iurisdictionis tantum sed ordinis quoque munera exercere valeant, uti Episcopi in suis dioecesibus, charactere ac titulo episcopali insigniendi erunt, eisque propterea aliqua ex titularibus Ecclesias conferenda. Ecclesias porro quas supra memoravimus Ss. Vladimiri et Olgae in *Winnipeg* urbe, S. Iosaphat in *Toronto* urbe et S. Iosaphat in *Edmonton* urbe ad ecclesiae cathedralis gradum et dignitatem evehimus eisque idcirco omnia concedimus iura, privilegia et praerogativas, quibus ceterae per orbem cathedrales Ecclesiae de iure fruuntur, dummodo iuxta probatum ritum ac legitimas consuetudines exerceantur. Exarchi autem eligendos curabant sex aut saltem quatuor Consultores, qui sint sacerdotes pietate, prudentia ac doctrina commendati et in Ordinarii sede vel locis viciniорibus commorantes, quique Ordinario consilio et opera in Exarchatus regimine et administratione praesto sint, eique sacra solemniter celebranti assistere valeant. Cum autem in Canadensi Ditione nondum habeatur Seminarium pro Ruthenis iuvenibus in spem Ecclesiae instituendis, volumus ut quam primum fieri poterit Exarchorum cura illud erigatur; interim vero Ordinarii Ruthenorum Episcopos latinos rogent ut in sua Seminaria iuvenes in sortem Domini vocatos admittant. Exarchalis mensa, donec stabiles habeantur reditus, constitueret praestationibus ad instar cathedralici, quas, ab Ordinariis, suis auditis Consultoribus, iuxta aequitatem statutas, singulae cuiusque Paroeciae et communitates solvere debent, nec non oblationibus fidelium, in quorum bonum Exarchatus erecti sunt. De ceteris omnibus, utpote de clericorum iuribus et oneribus, de controversiis, si quae exoriantur, inter Exarchos et latinos Antistites, de byzantino ritu in sacris functionibus adamussim adhibendo, servanda iubemus quae sacri canones et normae in quae supra memoravimus Decretis praescribuntur. Decernimus insuper ut simul ac hae Litterae Nostrae ad exsequutionem demandatae fuerint, eo ipso omnes et singuli tum e clero saeculari, tum religiosi animarum curam habentes, Exarchatui illi censeantur adscripti, in cuius territorio actu legitime degunt. Volumus porro ut bona ecclesiastica, si quae sint, pertinere censeantur ad Exarchatum illum, in quo inveniuntur. Mandamus denique ut omnia documenta et acta, quae binos nuper erectos novos Exarchatus respiciunt, ad istorum curias ex veteris unici exarchatus cancellaria quam primum fieri poterit transmittantur, ut in earum archivis diligenter serventur. Ad quae omnia uti supra disposita et constituta ad execusionem mandanda venerabilem quem supra diximus Fratrem Delegatum Apostolicum in Canadensi Ditione deputamus eique omnes et singulas tribuimus facultates, etiam subdelegandi ad effectum de quo agitur quemlibet

virum in ecclesiastica dignitate constitutum, eidemque onus facimus authenticum peractae executionis actorum exemplar ad S. Congregationem pro Ecclesia Orientali quamprimum transmittendi. Praesentes autem Litteras, singulis praefatis Exarchatibus Apostolicis expediendas, quas propterea triplici exarari exemplari iubemus, et in eis contenta quaecumque, etiam ex eo quod quilibet, quorum intersit, vel qui sua interesse praesumant, etsi specifica et individua mentione digni sint, audit non fuerint vel praemissis non consenserint, nullo unquam tempore de subreptionis vel obreptionis, aut nullitatis vitio, seu intentionis Nostrae, vel quolibet alio, licet substantiali et inexcogitato, defectu notari, impugnari vel in controversiam vocari posse, sed eas tamquam ex certa scientia ac potestatis plenitudine factas et emanatas, perpetuo validas existere et fore suosque plenarios et integros effectus sortiri et obtainere atque ab omnibus ad quos spectat inviolabiliter observari debere, et, si secus super his a quocumque, quavis auctoritate, scienter vel ignoranter attentari contigerit, irritum prorsus et inane esse et fore volumus ac decernimus; non obstantibus, quatenus opus sit, regulis in synodalibus, provincialibus, generalibus, universalibusque conciliis editis, generalibus vel specialibus Constitutionibus et Ordinationibus Apostolicis et quibusvis aliis Romanorum Pontificum, Praedecessorum nostrorum dispositionibus, ceterisque contrariis, etiam speciali mentione digni quibus omnibus per praesentes derogamus.—Volumus denique ut harum Litterarum transumptis vel excerptis, etiam impressis, manu tamen alicuius notarii publici subscriptis et sigillo viri in ecclesiastica dignitate vel officio constituti munitis, eadem prorsus tribuatur fides, quae hisce praesentibus tribueretur, si ipsaem exhibitae vel ostensae forent. Nemini autem has Litteras Nostras, divisionis, erectionis, constitutionis, subiectionis, concessionis, statuti, mandati, decreti, delegationis, derogationis et voluntatis Nostrae infringere vel ei contraire liceat. Si quis vero id ausu temerario attentare praesumpserit, indignationem omnipotentis Dei et beatorum Apostolorum Petri et Pauli se noverit incursum.

Datum Romae apud S. Petrum anno Domini millesimo nongentesimo quadragesimo octavo, die tertia Martii mensis, Pontificatus Nostri anno nono.

Pro S. R. E. Cancellario

F. Card. MARCHETTI SELVAGGIANI  
S. Collegii Decanus.

E. Card. TISSERANT

S. C. pro Eccl. Orient. a Secretis.

## II

## CONSTITUTIO APOSTOLICA

## CANADENSIS CENTRALIS

A CANADENSIS CENTRALIS EXARCHATUS TERRITORIO PARS SEIUNGITUR  
 ET NOVUS ERIGITUR EXARCHATUS APOSTOLICUS, CUI NOMEN: EXAR-  
 CHATUS APOSTOLICUS PRO FIDELIBUS RUTHENIS PROVINIAE SAS-  
 KATCHewan. (A.A.S., 1951, XLIII, p. 544.)

## PIUS EPISCOPUS

SERVUS SERVORUM DEI  
 AD PERPETUAM REI MEMORIAM

De Ruthenorum in Canadensi Ditione degentium religioso bono  
 solliciti, Nos, pro supremo quo fungimur munere, per Apostolicas sub  
 plumbo Litteras *Omnium Cuiusvis ritus*, die tertia Martii mensis, anno  
 millesimo nongentesimo quadragesimo octavo datas, Exarchatum  
 Apostolicum in Canada tripartito divisimus et tres Exarchatus,  
 centralem, orientalem et occidentalem, pro Ruthenis christifidelibus  
 ibidem commorantibus ereximus et constituimus. In praesentiarum  
 vero cum Ruthenorum populus in dies augeri videatur, praesertim  
 in centrali Canadensi Ditione, Sacrae Congregationi pro Ecclesia  
 Orientali, audita prius venerabilis Fratris Hildebrandi Antoniutti,  
 Archiepiscopi titulo Synnadensis in Phrygia et in Canadensi Ditione  
 Delegati Apostolici, omniumque Episcoporum Ruthenorum Cana-  
 densium et aliorum virorum in re peritorum favorabili sententia,  
 perutile visum est ab Apostolico Exarchatu Ditionis Canadensis  
 Centralis territorium distrahere ad novum Exarchatum erigendum.

Nos vero, auditio venerabili Fratre Nostro S. R. E. Cardinali S.  
 Congregationis pro Ecclesia Orientali a Secretis, omnibus mature  
 perpensis, et maius dominici gregis bonum prae oculis habentes,  
 certa scientia ac de apostolicae Nostrae potestatis plenitudine ab  
 Exarchatu Apostolico Ruthenorum in Ditione Canadensi Centrali  
 territorium separamus, cuius fines iidem erunt ac limites Provinciae  
 Saskatchewan et territoria ad septentrionem existantia, et illud in  
 novum erigimus et constituimus Exarchatum Apostolicum pro fideli-

bus Ruthenis Provinciae Saskatchewan nuncupandum. Novi huius Exarchatus sedes erit in urbe *Saskatoon*; ecclesiam vero in honorem S. Georgii Deo dicatam in eadem urbe extantem ad Ecclesiae Cathedralis gradum et dignitatem extollimus et illi omnia attribuimus iura, privilegia, honores ac praerogativas, quibus ceterae Cathedrales Ecclesiae fruuntur, dummodo iuxta probatum ritum et legitimas consuetudines exerceantur. Item pro tempore Exarchatus Praesulibus omnia concedimus iura, insignia, privilegia, quibus ceteri Exarchi in catholico orbe fruuntur, itemque eos omnibus adstringimus oneribus et obligationibus, quibus ceteri, ad normam sacrorum canonum et peculiaris Ruthenae Ecclesiae iuris, adstrin-guntur. Ut autem Exarchi intra fines sui Exarchatus non iurisdictionis tantum, sed ordinis quoque munera exercere valeant quemadmodum Episcopi in suis dioecesis, charactere ac titulo episcopali condecorandi erunt, eisque propterea aliqua ex titularibus Ecclesiis ab Apostolica Sede conferenda. Novum insuper Exarchatum istum Nobis et Sedi Apostolicae immediate subiectum volumus. Decernimus porro ut qui Exarchatus Apostolicus Ditionis Canadensis Centralis iam appellabatur, in posterum vocetur Exarchatus Apostolicus pro fidelibus Ruthenis Provinciae *Manitobae*.

Statuimus insuper ut Exarchus eligendos curet sex aut saltem quatuor Consultores, sacerdotes pietate, prudentia ac doctrina commendatos, in Ordinarii sede vel vicinioribus locis commorantes, qui sibi praesto sint consilio et opera in Exarchatus regimine et administratione, sibique sacra sollemniter celebranti adesse valeant. Exarchatus mensa, donec stabiles habeantur reditus, constituetur tributis ad instar cathedralici, quae Ordinarius, suis auditis Consultoribus, aequo statuet, ac singulae paroeciae et communitates solvent, atque collationibus fidelium, in quorum bonum Exarchatus erectus est. Optamus insuper ut, quoad Seminarium pro omnibus Ruthenis iuvenibus e Canadensi Ditione in spem Ecclesiae instituendis erigi poterit, Exarchi cura parvum saltem Seminarium in novo Exarchatu quamprimum fas erit constituatur.

De ceteris autem omnibus, utputa de clericorum et fidelium iuribus et oneribus, de controversiis, si quae exoriantur, inter Exarchum et latinos Antistites, de byzantino ritu in sacris caeremoniis adamussim adhibendo, servanda iubemus quae sacri canones et normae ab Apostolica Sede iam statutae praescribunt. Decernimus insuper ut simul ac hae Litterae Nostrae ad executionem demandatae fuerint, eo ipso omnes et singuli tum e clero saeculari, tum religiosi non exempti utriusque sexus in provincia Manitobae et Saskatchewan commorantes, ad illum Exarchatum Apostolicum

pertinere censeantur, in quo quisque actu degit, sicut etiam bona ecclesiastica. Mandamus porro ut omnia documenta et acta, quae novum hunc Exarchatum respiciunt, ad istius Curiam a veteris Exarchatus Cancellaria quam primum fieri poterit transmittantur, ut in eius archivo diligenter serventur.

Ad quae omnia ut supra disposita et constituta exequenda venerabilem quem supra memoravimus Fratrem in Canada Delegatum Apostolicum vel illum qui in executionis actu Delegationi praesit, delegamus eique omnes et singulas tribuimus facultates, etiam subdelegandi, ad effectum de quo agitur, quemlibet virum in ecclesiastica dignitate constitutum, eidemque onus facimus authenticum peractae executionis actorum exemplum ad S. Congregationem pro Ecclesia Orientali quamprimum transmittendi. Praesentes autem Litteras et in eis contenta quaecumque, etiam ex eo quod quilibet quorum intersit, vel qui sua interesse praesumant, etiam si specifica et individua mentione digni sint, audit non fuerint, vel praemissis non consenserint, nullo unquam tempore de subreptionis, vel obreptionis aut nullitatis vitio, seu intentionis Nostrae, vel quolibet alio, licet substanciali et inexcogitato, defectu notari, impugnari, vel in controversiam vocari posse, sed eas, tamquam ex certa scientia ac potestatis plenitudine factas et emanatas, perpetuo validas existere et fore, suosque plenarios et integros effectus sortiri et obtinere, atque ab omnibus ad quos spectat inviolabiliter observari debere; et, si secus super his a quocumque, quavis auctoritate, scienter vel ignoranter contigerit attentari, irritum prorsus et inane esse ac fore volumus et decernimus, non obstantibus, quatenus opus sit, regulis in synodalibus, provincialibus, generalibus universalibusque Conciliis editis, generalibus vel specialibus Constitutionibus et Ordinationibus Apostolicis et quibusvis aliis Romanorum Pontificum, Praedecessorum Nostrorum, dispositionibus ceterisque contrariis, etiam speciali mentione dignis, quibus omnibus per praesentes derogamus. Volumus denique ut harum Litterarum transumptis, vel excerptis etiam impressis, manu tamen alicuius notarii publici subscriptis, ac sigillo viri in ecclesiastica dignitate vel officio constituti munitis, eadem prorsus tribuatur fides, quae praesentibus Litteris tribueretur, si ipsaemet exhibitae vel ostensae forent. Nemini autem hanc paginam dismembrationis, erectionis, constitutionis, concessionis, subiectionis, statuti, mandati, delegationis, derogationis et voluntatis Nostrae infringere vel ei contraire liceat. Si quis vero id ausu temerario attentare praessumpserit, indignationem omnipotentis Dei ac beatorum Apostolorum Petri et Pauli se noverit incursum.

Datum Romae apud S. Petrum, anno Domini millesimo nonagesimo quinquagesimo primo, die undevicesima mensis Martii, in festo S. Ioseph, Pontificatus Nostri anno tertio decimo.

Pro S. R. E. Cancellario  
E. Card. TISSERANT  
*S. Collegii Decanus.*

Pro S. R. E. Cardinali S. C.  
pro Ecclesia Orientali a Secretis  
C. Card. MICARA

## THE BROWN SCAPULAR

### EPISTULA

AD REVVM P. KILIANUM LYNCH, PRIOREM GENERALEM ORDINIS FRATRUM B. MARIAE V. DE MONTE CARMELO: SEPTIMO IMPLETO SAECULO AB INSTITUTIONE SACRI SCAPULARIS CARMELITARUM. (*A.A.S.*, 1951, XLIII, p. 589.)

The manifold manifestations of sincere Catholic piety which have characterized the celebration throughout the world of the seventh centenary of the institution of the Scapular of Our Lady of Mount Carmel have afforded Us much joy and consolation of spirit. It is with especial affection, therefore, that We extend to you, beloved son, and to all Our dearly-beloved children of the Carmelite family Our paternal felicitations, as the hymn of prayerful praise and joyful thanks evoked by the centenary celebrations is swelling to its grand finale.

Wafted out over the waves which lap the shores of Kent, this hymn will be taken up in divers tongues by the faithful of the various nations of the earth who have donned the Scapular that, under the inspiration of the Mother of God, they may grow in the likeness of her divine Son, Jesus Christ. But, in the storied halls and hallowed grounds of the hermitage of Aylesford, this paean of praise of the Blessed Virgin will resound with a distinctive quality as, sweetened by haunting harmonies of former generations and enriched by dulcet overtones from a historic past, it recaptures a melody suspended for nigh four centuries.

By a benign dispensation of Divine Providence which reaches from end to end mightily and orders all things sweetly (*Wisd.* VIII, 1), it is your happy privilege, beloved son, to close the cycle of these centenary celebrations with a function of historic import, namely,

the transfer of the mortal remains of Saint Simon Stock from their sheltered exile on the hospitable shores of France to their rightful place in the Dowry of Mary, to the home of his earthly sojourn at Aylesford. For you as for all Our dearly-loved children of England this event must be a source of untold joy in this year of national festival.

Seven hundred years have passed since, according to the sacred traditions of the Carmelite family, Simon Stock was vouchsafed the vision of Our Lady of Mount Carmel, yet, in the light of that vision, countless thousands throughout the world sustain the warfare of life and walk through the darkness and shadow of death to the mount of God. What more fitting close, therefore, could there be to the sept-centenary celebrations of the Scapular than that the hallowed remains of him who sang the praises of the Flower of Carmel should have come to rest again in Aylesford for the festival of promise which he opened to the world the feast of Our Lady of Mount Carmel. May she who is the Mother of Fair Love, and of knowledge, and of holy hope strengthen the bonds of faith, hope and charity which link those who participate in these festive celebrations.

With this prayer in Our heart, We cordially impart to you, beloved son, and to all those associated with you in these ceremonies of prayerful thanksgiving Our paternal Apostolic Blessing.

From the Vatican, June 30th, 1951.

PIUS PP. XII

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### BOOK REVIEWS

*The Philosophical Predicament.* By Winston H. F. Barnes. Pp. 184.  
(Adam & Charles Black, London. 10s. 6d.)

SINCE philosophy was old enough to attract attention it has provoked attack from various quarters. Some have sought to destroy it in the name of common sense or tradition, others in the name of religion or theology, others in the name of some science or other, or just in the name of "science". But when once these philosophical nihilists have sought to justify their nihilism, with a view to giving philosophy the semblance of a fair trial before execution, they have found themselves engaged in the very same activities which they found repre-

hensible in the philosophers. The "philosophical predicament" is this trap through which philosophy has always succeeded in the past in "burying its undertakers".

It happens not infrequently that the destroyers are themselves philosophers by profession, in which case they may avoid abolishing their own occupation and source of livelihood by substituting some other discipline for philosophy. Already we find Aristotle complaining that "mathematics has come to be identical with philosophy for modern thinkers". This procedure, however, will not destroy philosophy, it will simply leave it to amateurs, and the time will come when the professionals, in their superior wisdom, will feel the need to explain to the amateurs why only fools philosophize. Supposing, like the Academicians under Speusippus, they have turned philosophy into mathematics, they will not be able to explain their behaviour mathematically, they will have to return to philosophy for the time being, and there they are in the predicament.

The most recent destroyers have been called analysts. Philosophers by profession, they admit openly that unless philosophizing is analysing, they don't philosophize at all, for if philosophy is not analysis, it is nonsense. They hope to avoid the predicament in the following way. They distinguish, in the activity of philosophers in the past, two forms, a reasonable form and a futile form. The first is analysis, the second is philosophy when it is not analysis. The first is worth pursuing, and it can be shown by means of it that the second is not.

This is an interesting attempt to escape from the predicament, but its success depends on the analyst's ability to pursue analysis without falling into philosophy, and to dispose of philosophy without employing the modes of reasoning and forms of statement which are condemned as nonsense when employed by philosophers. Professor Barnes examines the various schools of analysis in order to estimate the success of their enterprise. He calls such an examination underlabourer's work, but a task which seems to be incumbent upon a philosopher at least once in his lifetime.

He finds that the analysts do not really understand what they are doing, that analysis, properly understood, is interpretation: the critical reconstruction of our language in the interest of a better understanding of reality. When applied to common-sense discourse it is a way of pursuing what Professor Broad has called "critical philosophy", and when applied to all forms of discourse it is a way of pursuing "speculative philosophy". There is in fact no valid distinction between the two and no rationally defensible halting-

place short of a complete and comprehensive philosophical system; the road to metaphysics is not barred.

The author reckons that the defence of speculative philosophy becomes less necessary every day, for "the aridity of much philosophical writing of the past twenty years is breaking up at last, and the green shoots of a more forthright speculative impulse are pushing their way through the soil. Metaphysics is still an unfashionable term: but 'synoptic philosophy' now passes current even amongst 'advanced thinkers'. We need not quarrel over terms. If we have talked so much in the past against metaphysics, let us by all means spare our blushes by speaking now of synopsis, or, better still, by becoming synoptic philosophers."

The book is said to have been written for the general reader, not the professional philosopher. In fact it is so lucid in style that it should succeed in engaging the interest of the general reader, while on the other hand there seems to be sufficient originality in the author's own thought to interest professional philosophers as well. It is one of the most entertaining and stimulating pieces of philosophical criticism we have ever come across. The author is to be congratulated on the skill with which he has picked his way through "the arid wastes of logical and linguistic subtleties to which the ramifications of analytical doctrine lead". One puts this book down with the hope that some day we shall see the author no longer engaged on "under-labourer's work" but devoting himself to a full metaphysical attack.

*Phoenix and Turtle. The Unity of Knowing and Being.* By Thomas Gilby. Pp. 154. (Longmans. 16s.)

ALL very well, says Fr Gilby, to enter minutely into the technicalities of science, but not if it means losing all sense of general direction. What we need nowadays is a settled habit of getting the general hang of things, a metaphysics, a doctrine able to start from the perceptions of ordinary level-headed commonsense as well as from the refined data presented, and sometimes constructed, by delicate and ingenious artifice. An attempt to look beyond our noses should need no apology. This book, then, seeks to present the foundation of a realist philosophy, but we are warned not to expect a plain and straightforward exposition. In fact Fr Gilby declares that the argument cannot be stated in a succession of theorems: "the advance cannot proceed in a straight line . . . but must constantly curve back to where it started from". Breaking into verse, as is his wont, he tells us:

The way ascends not straight, but imitates  
The subtle folding of a winter's snake.

Taking the problem of knowledge in its most general terms, he can find no other method of reporting "the present and unpretentious humanity of his subject". He says you must run the risk of a messy flood in thawing out the first principles of thought. But he does himself less than justice. The plan of his book may not be palladian, nor the measure mathematical, but the impression of being caught up in a messy flood does not last beyond chapter two, and instead of constantly curving back to where we started from, we seem to be getting somewhere.

One might imagine that by pursuing this snake-like course one would at least become quite familiar with the starting-point of the argument, but it is possible to be disappointed here. "Always the start must be from being as object: there is no alternative if we are going to start at all" (p. 24), and again "we are trying to begin . . . by taking merely *isness*, the essence of is, in the least pretentious sense of the word" (p. 28). This, we are told, appears primitively as an object pitted against us. We are not told what we appear to be while this sort of thing is happening. On the other hand, our first enquiry is supposed to be "about the validity of the enunciation, *that being is*", which sounds as if we were starting with the affirmation of being, and not simply with being as object; in fact Fr Gilby says we are concerned solely with the affirmation of being (p. 23), and elsewhere is at pains to insist that to start with a cleavage between thought and thing is asking for trouble . . . "when the mind is placed on one side and reality apart on the other and you then try to make them correspond, the problem becomes insoluble. The mistake lies in starting with a gap, rather than in watching distinctions develop within what is already given and afterwards seeking to keep it within the bounds of this system of reference" (p. 33).

The fact is that Fr Gilby is determined to "start by thinking metaphysically rather than epistemologically". Epistemology may be the first chapter of metaphysics, but a dogmatic preface is required. For a Dominican he has followed Noël a long way, but, for what seem irrelevant reasons to the present reviewer, he wants to assent to the truth of "the first principles of thought" [sic] before the problem of knowledge is raised (p. 32). That is why we are asked to start with "*isness*", which leads us on to the principle of identity and of contradiction. "Both amount to saying that there is some reason

in what we think, not necessarily a prim and didactic regularity nor a well-taped state of affairs, but at least the intelligent sensibility found in Chinese Sharawadgi"! (p. 31).

*God's Friendship.* Selections from the Meditations of the Venerable Servant of God Luis de la Puente, S.J. Translated and Supplemented by John M. Thill. Pp. 215. (Bruce Publishing Company. \$3.50.)

SANCTIFYING grace establishes between God and us a relation of true friendship. It is not the purpose of this book to "convince" the reader of this truth, but by reviewing the "facts", from creation to consummation, to reveal that the aim of God was, is, and until the end of time will be, first, to make this relation possible, and second, to bring it about. Since the explanation of such condescension can only be found in God's infinite goodness, the book dwells first of all on this perfection. Besides confirming our faith in the will of God that all men be His friends, this general review and its preliminary chapters on God will afford a deeper insight into the fundamental dogmas of our religion. The author has used for the review and its preliminary chapters the work of one of the greatest spiritual masters, the Venerable Luis de la Puente (1554-1624), whose writings were recommended by St Teresa of Avila. Twenty-two of the chapters of this book are taken from Luis' *Meditaciones Espirituales*, with the colloquies of the original omitted. To supplement the text or assure and facilitate a correct understanding of the Spanish author's thoughts, Fr Thill has inserted several whole paragraphs and five doctrinal chapters which help to blend the whole into one complete and well-rounded treatise.

*For Goodness' Sake.* An informal treatise on being good. By William Lawson, S.J. Pp. 184. (Sheed & Ward. 8s. 6d.)

In gratitude to the Giver of your supernatural life, the least you can do is to unpack the gift and see what it is. The best you can do is to use it fully, with that conscious and expert use which comes from full knowledge and constant practice. Fr Lawson's book will help the layman to unpack his gift, and will also stimulate him to use it. He treats of the virtues, of piety, zeal, humility, charity, mortification and so on, but not often under those names, for he is speaking to those who may find such words repugnant. "After over-use, or misuse, the words put you off from the truth. They bring to mind attempts at goodness which are not attractive, and they

almost make it seem that there is more character in not being good." But since we cannot divorce practice and doctrine, and must have the doctrine which the old teachers in the Church had from our Lord, then if their words do not suit us, let us express the truth in our own way. It is in this respect that the book is an "informal treatise", but none the less excellent in its way.

*Treatise on Preaching.* By Humbert of Romans. Pp. 160. (The Newman Press. \$2.50.)

WHO should be better qualified for giving instruction on preaching than a Master-General of the Order of Preachers? Humbert achieved this status in the year 1254. He wrote numerous works, among them this volume concerned with the basic principles of preaching, translated by Dominican students, and edited by Walter M. Conlon, O.P. As Humbert says in his direct manner, "it is of first importance for a preacher to study carefully and establish precisely what his ministry consists of, and all that relates to it". In order that all may understand this the more easily he considers the qualities of this office, the qualities which the preacher charged with it ought to have, how he ought to enter upon it, the exercise of preaching, the omission or refusal of preaching, the effects which preaching produces, and a few points connected with this ministry. He is never at a loss for a quotation from Scripture or the Fathers, and full of practical suggestions. There is no doubt that, though written in the thirteenth century, Humbert's words are timely and applicable today.

*Reproachfully Yours.* By Lucile Hasley. Pp. 128. (Sheed & Ward. 10s. 6d.)

MGR KNOX, in his *Essays in Satire*, maintains that the hall-mark of American humour is its pose of illiteracy. All the American humorists spend their time making jokes against themselves. Mark Twain pretended that he had received no education beyond spelling, and most of his best remarks are based on this affectation of ignorance. Mrs Hasley is no exception to this general rule, as far as one can judge from this collection of what she calls "cute whimsical essays", dedicated to her children in the hope that they won't sue her for libel when they grow up. The first of them, *Reproachfully Yours*, was originally dedicated to the priest who converted her, and "cites with relish her woes as she faced the Holy Roman Catholic Church after twenty-one years as a peaceful law-abiding Presby-

terian. . . . As I wrote it, I thought it so funny that I could scarce control myself". Quite evidently Mrs Hasley has struck a new vein. Like other converts, she regards her conversion as an event of the utmost importance, but unlike most of them, she shakes with laughter when she considers the impact of Catholicism on her life. She presents, sandwiched with the experiences of a convert, the experiences of a Catholic mother with a child at kindergarten and subsequently at convent; she meets "the formidable problem of Sister Says". In an extremely vivacious manner she ranges over such topics as priests, scruples, Catholic writing, married life, nuns, and the conflict of ideals among lay apostles (in which, she says, "only a theologian with a three-foot beard and a dozen degrees, can possibly serve as an adequate referee"). Speaking of her ineffectual efforts to convert others, she ends with the sigh "Surely somewhere in this world is some indiscriminate creature who will succumb to my lame-brain type of evangelism." I for one am inclined to think there must be.

*Hands at Mass.* By Walter Nurnberg, with an introduction by Fr C. C. Martindale, S.J. (Chapman & Hall. 12s. 6d.)

HERE are twenty-seven photographs of a priest's hands at various moments of the Mass. They are meant to tell a story, not of worldly toil, but of our offering to God. The photographer has aimed at simplicity and, apart from a laconic preface, has left the photographs to speak for him. They are to make us see what he sees, and to make those who understand this language share his emotional and intellectual attitude to life; they are meant not simply to inform, but to give happiness. Fr Martindale has written an enthusiastic introduction acclaiming "the genuine mysticism" in this book and analysing the structure of the Mass for those who would not know what moments of it are here portrayed. But without having any idea of what mysticism is, genuine or otherwise, one can appreciate the beauty of these pictures, and the absence of comment has at least the advantage that everyone is free to consider that he has "understood" what the book is about. It is handsomely produced.

LEO McR.

*L'évêque dans les communautés primitives : tradition paulinienne et tradition johannique de l'épiscopat des origines à saint Irénée.* By Jean Colson.

Pp. 134. (Les Éditions du Cerf, Paris. 360 frs.)

STUDIES of episcopacy in the early Church do not normally make easy reading; the main themes are apt to be obscured by discussions

of texts and points of detail. It is one of the great merits of this recent addition to the *Unam Sanctam* series that it gives a lucid account of the documentary evidence of the question and brings it into a clear synthesis. Such an achievement implies a thorough mastery of the subject, and so we are not surprised to learn from the preface that this slim volume contains an abstract of a full thesis presented by the author to the *Institut Catholique* of Paris. He has taken the essentials of his work, and offered them in a form in which they will be acceptable to a wider public while retaining their interest to scholars. These will miss the analysis and defence of subsidiary details and the bibliographical information that the original thesis no doubt contained; but there is sufficient to draw their attention and to support the main structure of the author's thought.

The factual picture given of the development of the episcopate does not differ greatly from that of other writers, such as Michiels. The chief originality of the work consists in bringing into relief the twofold tradition behind this development, and in showing that the sources of this double tradition lie in two different ways of conceiving the unity of the Church. These traditions "n'étaient pas, d'ailleurs, exclusives l'une de l'autre. Simple question d'accent" (p. 123). Nevertheless, there was a Pauline outlook on the unity of the Church, which differed in its emphasis and perspective from that of John. Paul viewed the Church and its unity from the aspect of the mystery of universal redemption; John from that of the mystery of the Incarnation. Both these perspectives had their repercussions on the progress of the hierarchical organization in the communities subject to their influence.

Examining the documents in the light of this, the author begins with the Acts, where the difference first manifests itself. He considers the organization of the church of Jerusalem; for there the Johannine conception was inaugurated by James. He then discusses, by way of contrast, the position in the church of Antioch and in the churches founded by Paul. The second part of the work follows the Pauline tradition through the epistles of the apostle, the epistle of Clement of Rome, and the Shepherd of Hermas. In the next part, the Johannine line is traced as it is found in the Apocalypse and then in the epistles of St Ignatius of Antioch. His analysis of the ecclesiology of these seven epistles deserves special praise. The final section deals with the fusion of these two traditions that is manifested in the letter of Polycarp and in the works of St Irenaeus. The author excludes the Didache from the main body of his treatment because of the admittedly enigmatical character of this document

and its uncertain date. He devotes an appendix to it, in which, while not pretending to solve the puzzle definitively, he inclines to the view that it is the work of a Catholic, attempting to meet the situation created by Montanism by a conciliatory essay written in archaic language.

This work is a valuable addition to the literature on the origins of episcopacy. By the theological ideas it uncovers, it will do much to promote that development of the theology of the episcopate of which the need has been felt and expressed recently in many quarters.

*St Cyril of Jerusalem's Lectures on the Christian Sacraments: the Procatechesis and the five Mystagogical Catecheses.* Edited by F. L. Cross.

Pp. xli + 83. (S.P.C.K. 12s. 6d.)

THE importance of the *Catecheses* of St Cyril for the study of the theology and liturgy of the early Church makes this edition of some of them, which appears in the publisher's *Texts for Students* series, most welcome. They are also writings that can be approached with the minimum of commentary; thus this publication may be used as an excellent introduction to the reading of the Greek Fathers.

The volume contains the Greek text of the *Procatechesis* and of the five *Mystagogical Catecheses*, revised from the editions already in print. As is to be expected from the character of the series, details of textual variations have been omitted. A reprint of Dean Church's translation follows. This was first published in 1838 in the *Library of the Fathers* and has been retained unchanged, even though it presupposes a slightly variant Greek text. While the great interest of this as Church's first published work and also its many merits cannot be denied, one is still inclined to think that the purpose of the series would have been better served by a new and modern version.

The editor, Professor Cross, contributes a model introduction. He rapidly but clearly surveys the historical, topographical, and liturgical background to the work. His short account of Cyril's theology is well balanced, except that one would have wished for a less emphatic and more tempered treatment of the question of the Epiclesis. In the matter of the authenticity of the *Mystagogical Catecheses*, he regards the case that several recent scholars have brought against it as unproved. The cross references between the two series of *Catecheses* point to a common authorship. Moreover, there is a possible explanation of the opposing manuscript evidence: John of Jerusalem, the successor of Cyril to whom they are ascribed, might

have "catechized his candidates with the same series of splendid addresses".

A bibliography, a table of dates, and an index of proper names, serve to complete the usefulness of this volume to students.

C. D.

*An Introduction to Ecclesiastical Latin.* By Rev. H. P. V. Nunn, M.A.  
Pp. xv + 196. (Alden & Blackwell. Third Edition. 1951. 7s. 6d.)

ONE of the minor objections which the first Christians had to meet was the gibe that their sacred books were written in a barbarous language which did not conform with the artistic standards of Attic Greek, and which was fit only for the uneducated rabble which the new religion attracted. And when the second and third centuries saw the need of translating these books into Latin, the same contemptuous comparison was made with Virgil and Cicero. The fact is, of course, that the writers and translators of these books were not ignorant of grammar—their writings show many traces of their training in the rhetorical schools—it was simply that their subject matter was of too vital an importance to be hidden behind an artificial language which nobody ever spoke. They used the vernacular of the time, and they were understood. "Melius est nos reprehendant grammatici, quam non intelligent populi."

The vernacular or hellenistic Greek has been honoured by many excellent grammars of its own, but the peculiarities of the vernacular Latin have received rather less attention, in spite of the fact that this is the language of the Vulgate, of the Fathers, and of our own Schools. Perhaps it has been thought so similar to the classical that it needs no special grammar of its own, yet in fact it is precisely the student of classical Latin who finds the constructions of ecclesiastical Latin so difficult to understand. Were he to approach Latin through these later writers, he might find that in their simplicity of style, in their lack of artificiality, and in their rather closer approximation to his own modern speech, he had found a short cut to the language.

Mr Nunn declares that this is just his purpose in giving us the third edition of this book: to provide an easy approach to Latin for those who come to the study of that language after leaving school; and certainly the reader will find, in the two appendices of prose pieces from Cyprian, Ambrose, Jerome, Augustine, Bede, Adamnan, Aquinas and à Kempis, and of hymns from the best known poets from the time of Ambrose to the era of the Schoolmen, more attractive and purposeful matter and more useful footnotes than are provided in most Latin readers. The author's intentions are praise-

worthy, but perhaps he has overrated the capabilities of the audience he has in mind, and he might have served their interests better if he had modelled his book on his own excellent *Elements of New Testament Greek*, with considerably less concentration on syntax, and more on the grammar, vocabulary, and easily graded exercises without which the beginner at a language cannot hope to advance. As a carefully framed summary of the points in which the syntax and idioms of ecclesiastical Latin differ from those of classical Latin, this book will remain a most welcome work of reference for the specialist, if only because so few other books on this subject are accessible. But today's average student, even if he has had a grounding of the classics at school, needs something far more elementary to help him in his first contact with ecclesiastical Latin.

H. J. R.

*Guide to the Documents of Pius XII.* By Sister M. Claudia, I.H.M.  
Pp. 229. (Newman Press, Westminster, Maryland. \$6.)

THIS finely produced reference book is chiefly of value for the Index which gives both the title of each document and also the subject matter treated therein. The flood of documents emanating from the Holy See makes a work of this kind a necessity for the student who would trace some directive to its source. The religious to whom we are indebted for this labour has also produced *A Guide to the Encyclicals* from Leo XIII's accession up to 1937, to which the present work is a useful supplement.

E. J. M.

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THE prospect of possessing the whole of Palestrina's famous Mass on one disc should turn the balance for those who are considering

going over to the long playing record; it is well executed and recorded by a competent choir, with fine crescendos and conclusions, especially in the *Gloria*, and notwithstanding one or two uneven passages the disc is probably the best example of recorded polyphonic church music obtainable at present in this country. The Byrd Mass is also good in spite of the Latin pronunciation (*kayli, wiwificantem*) which is always used by this choir and always repels a Catholic listener: the general effect is much superior to the same performance on Decca 78s. Stravinsky's psalmody is also obtainable on 78s in Columbia's issue LX147-149, sung by a Russian choir conducted by the composer; the performance and recording is about equal in both sets. The words from the Latin Vulgate of Pss. xxxviii 13-14, xxxix 2-4 and cl 4-6, granted the modern style of composition, are strikingly expressed in the music, especially Ps. cl *Laudate Dominum*: the praise of God in *sono tubae . . . in cithara . . . in tympano*, etc., offered every inducement to the composer, and there is a fierce majesty about it all, though different from what most of us are accustomed to. A more soothing style of psalmody is employed in the services recorded in the Anglican church of St Mark, North Audley Street, a building with a good organ well adapted acoustically for this purpose. There are also some anthems, including Bach's *Jesu*, *Joy of Man's Desiring*, and Newman's hymn *Lead, Kindly Light* to the setting by Dykes used also in our churches; but one has also to listen to two short sermons—fair enough. The disc of Carols rendered by a famous choir and conductor have a striking freshness, notably in the phrasing, and include *In Dulci Jubilo* and *Silent Night*, but we always find it difficult to tolerate *Adeste Fideles* in the vernacular. The remaining pieces enumerated above are largely recordings of secular music, but they contain some items of ecclesiastical interest. Amongst the examples of Spanish music on LXT2521, is Turina's vivid description of a procession and fiesta *La Procesion Del Rocio*, Our Lady of the Dew, genuinely Spanish in character, the impression of gaiety and movement being excellently captured on the record. Almost anything sung by Kathleen Ferrier is most agreeable to the ear, most of all her renderings of scriptural passages. The whole of one side of LXT2556 is given to Brahms—musical settings of verses from Ecclesiastes iii and iv, Ecclesiasticus xli, and I Corinthians xiii. On the whole we think that the above list more than sustains the reputation of the long playing record.

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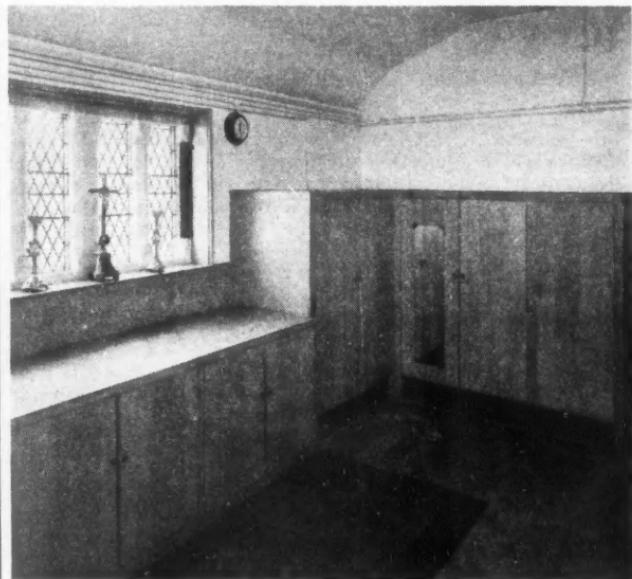
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## 7. That MONEY Problem!

This is how Father B. dealt with *his* money problem just about a year ago.

A true story of how an enterprising Parish Priest found a solution without seeming to turn a financial hair.

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